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**BILL 131**

**Private Member's Bill**

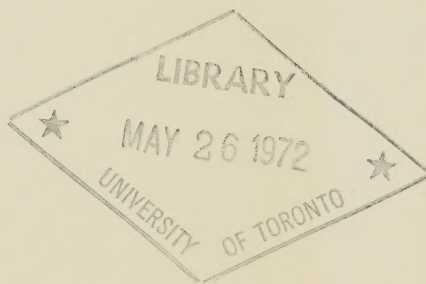
Government  
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

48

**An Act to amend The Landlord and Tenant Act**

MR. LAWLOR



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The purpose of the Bill is to provide a specific penalty for landlords who do not comply with the requirements as to posting up of their legal name and address for service.



## BILL 131

1972

**An Act to amend The Landlord and Tenant Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 108 of *The Landlord and Tenant Act*, being chapter <sup>s. 108,</sup> 236 of the Revised Statutes of Ontario, 1970, is amended by <sup>amended</sup> adding thereto the following subsection:

- (3) Every landlord who does not post up his legal name <sup>Penalty</sup> and address for service as required by section 104 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Landlord and Tenant Amend-* <sup>Short title</sup> *ment Act, 1972.*

**BILL 131**

**An Act to amend  
The Landlord and Tenant Act**

*1st Reading*

**May 15th, 1972**

*2nd Reading*

*3rd Reading*

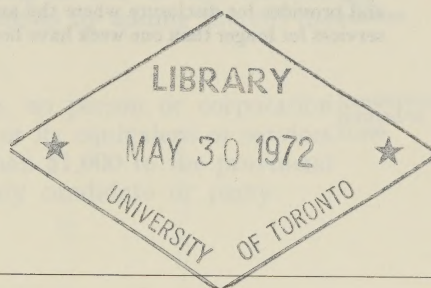
**MR. LAWLOR**

*(Private Member's Bill)*



2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

### An Act to amend The Election Act



MR. REID

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill limits the amount that may be contributed to an election campaign and provides for disclosure where the amount is greater than \$500 or where services for longer than one week have been provided.



## BILL 132

1972

## An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

158a. Except for a candidate, no person or corporation shall contribute money or its equivalent or services in an amount greater than \$1,000 to the provincial election campaign of any candidate or party.

. . . . .

161a.—(1) Where the amount or equivalent value of a contribution to a provincial election campaign of any candidate or party is greater than \$500, the person or corporation making the contribution shall, within three months after the election, submit a detailed and itemized report of such contribution to the Chief Election Officer.

(2) Where a person or corporation provides services for consideration to a candidate or party for a provincial election campaign for a period of one week or longer, the person or corporation providing the service shall, within three months after the election, submit a detailed and itemized report of the services provided to the Chief Election Officer.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Election Amendment Act, 1972*.

An Act to amend  
The Election Act

*1st Reading*

May 16th, 1972

*2nd Reading*

*3rd Reading*

MR. REID

*(Private Member's Bill)*

## BILL 133

Private Member's Bill

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 *11*

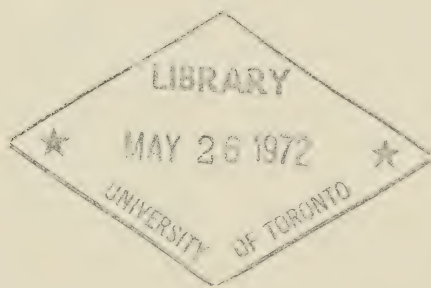
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**An Act to amend The Provincial Courts Act**

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The purpose of this Bill is to raise the upper age limit of persons, who are to be dealt with as juvenile delinquents by the Provincial Courts, from sixteen years of age to eighteen years of age.

BILL 133

1972

## An Act to amend The Provincial Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 17 of *The Provincial Courts Act*, being chapter <sup>s. 17,</sup> 369 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(3) For the purposes of the *Juvenile Delinquents Act* <sup>Interpre-</sup>  
(Canada), in Ontario "child" means any boy or girl <sup>tation</sup>  
actually or apparently under the age of eighteen <sup>R.S.C. 1970,</sup>  
years. <sup>c. J-3</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Provincial Courts Amend-* <sup>Short title</sup>  
*ment Act, 1972.*

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An Act to amend  
The Provincial Courts Act

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*1st Reading*

May 16th, 1972

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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*(Private Member's Bill)*



2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Charitable Institutions Act**

THE HON. R. BRUNELLE  
Minister of Community and Social Services



#### EXPLANATORY NOTES

SECTION 1. An obsolete definition is deleted and a definition of "Director" added.

SECTION 2. Complementary to section 3 of the Bill.

SECTION 3. Provision is made for site evaluation and a review of population requirements prior to selecting a site for or erecting or acquiring a charitable institution.

SECTION 4.—Subsection 1. Complementary to section 3 of the Bill.

BILL 134

1972

## An Act to amend The Charitable Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Charitable Institutions Act*, <sup>s. 1 (d), re-enacted</sup> being chapter 62 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*d*) "Director" means the Director appointed for the purposes of this Act.

2. Subsection 1 of section 3 of the said Act, as enacted <sup>s. 3 (1), amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 16, is amended by adding at the commencement thereof "Subject to section 3*a*".

3. The said Act is amended by adding thereto the following <sup>s. 3*a*, enacted</sup> section:

3*a*. Before selecting or acquiring a site or erecting or <sup>Evaluation and survey</sup> acquiring a building for use as a charitable institution, an approved corporation establishing the charitable institution shall,

(*a*) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the institution and the best interests of the prospective residents of the institution; and

(*b*) conduct a survey of the community and a review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

4.—(1) Clause *c* of subsection 1 of section 4 of the said Act <sup>s. 4 (1) (c), re-enacted</sup> is repealed and the following substituted therefor:

(c) erect a new building or an addition to an existing building for use as a charitable institution until,

- (i) the need for the building or the addition has been established to the satisfaction of the Minister,
- (ii) in the case of the erection of a new building, the site, selected and evaluated in accordance with the regulations, has been approved by the Minister, and
- (iii) the plans therefor, developed and prepared in accordance with the regulations, have been approved in writing by the Minister.

s. 4 (1) (e),  
amended

(2) Clause *e* of subsection 1 of the said section 4 is amended by striking out “grant under section 5 or 6” in the fourth line and inserting in lieu thereof “grant under section 5, 6 or 7”.

s. 5,  
amended

**5.**—(1) Section 5 of the said Act is amended by striking out “Lieutenant Governor in Council” in the fourth line and inserting in lieu thereof “Minister”.

s. 5 (a),  
amended

(2) Clause *a* of the said section 5 is amended by inserting after “bed” in the seventh line “or such greater amount per bed as is prescribed by the regulations”.

s. 5 (b),  
amended

(3) Clause *b* of the said section 5 is amended by inserting after “bed” in the seventh line “or such greater amount per bed as is prescribed by the regulations”.

s. 6,  
amended

**6.** Section 6 of the said Act is amended by striking out “Lieutenant Governor in Council” in the fourth line and inserting in lieu thereof “Minister” and by adding at the end thereof “or such greater amount per bed as is prescribed by the regulations”.

s. 7,  
amended

**7.** Section 7 of the said Act is amended by inserting after “per cent” in the third line “or such higher percentage as the regulations prescribe”.

s. 7a,  
enacted

**8.** The said Act is further amended by adding thereto the following section:

Extended  
care  
services

**7a.**—(1) Any person,

(a) who has been admitted to an approved charitable institution; and

(b) who is eligible for extended care services under *The Health Insurance Act, 1972* on the grounds of medical necessity,

1972, c. ...



SUBSECTION 2. The approval of the Minister is required to sell or structurally alter a charitable institution that has received a capital grant; the same requirement will now apply where a maintenance grant has been received.

SECTIONS 5, 6 AND 7. The Minister, rather than the Lieutenant Governor in Council, may direct payment of capital and maintenance grants; provision is made for increasing by regulation the existing limitation or the amount of such grants.

SECTION 8. Extended care services may be made available in a charitable institution to a person eligible therefor under *The Health Insurance Act, 1972* on the grounds of medical necessity.

SECTION 9. The regulation-making authority is enlarged, complementary to the preceding sections of the Bill.

may receive extended care services available in the approved charitable institution where the institution has been authorized by the Director in accordance with the regulations to provide such services.

- (2) The provisions of *The Health Insurance Act, 1972* <sup>Application of 1972, c. ...</sup> apply *mutatis mutandis* to a determination under subsection 1 of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom.

- (3) Notwithstanding subsections 1 and 2, an applicant <sup>Entitlement to services</sup> for extended care services who has been found eligible therefor under this or any other Act does not thereby become entitled as of right to such services in an approved charitable institution.

9.—(1) Clause *b* of section 10 of the said Act is repealed <sup>s. 10 (b), re-enacted</sup> and the following substituted therefor:

- (b) prescribing classes of specified approved charitable institutions, governing the admission of persons to and their discharge from approved charitable institutions, prescribing the conditions of eligibility and procedures for such admission and discharge, and specifying classes of persons that may be cared for in specified approved charitable institutions or any class thereof;
- (ba) providing for the making of investigations of the financial circumstances of residents in or applicants for admission to approved charitable institutions or any class thereof for the purpose of determining eligibility or continuing eligibility for admission to the institutions.

(2) The said section 10, as amended by the Statutes of <sup>s. 10, amended</sup> Ontario, 1971, chapter 50, section 16, is further amended by adding thereto the following clauses:

- (bb) prescribing procedures for selecting and evaluating the site for a charitable institution to be erected or acquired by an approved corporation and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 3a;
- (bc) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans;

- (*bd*) prescribing the location, site, size, design and construction of buildings used or to be acquired, erected or altered for use as approved charitable institutions or any class thereof and the facilities and equipment to be provided therein.

s. 10 (*d*),  
re-enacted

(3) Clause *d* of the said section 10 is repealed and the following substituted therefor :

- (*d*) prescribing staff requirements and governing the appointment, qualifications and the powers and duties of administrators and members of the staffs of approved charitable institutions or any class thereof and requiring in-service training programs to be provided for members of staffs of any such institutions or class thereof ;
- (*da*) requiring the bonding of administrators and other employees or classes of employees of approved charitable institutions or any class thereof in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof.

s. 10 (*e*),  
re-enacted

(4) Clause *e* of the said section 10 is repealed and the following substituted therefor :

- (*e*) prescribing and governing the social services, medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in approved charitable institutions or classes of approved charitable institutions, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them ;
- (*ea*) prescribing the percentage of bed capacity to be maintained and used in approved charitable institutions for any prescribed class or level of care and services to be provided in the charitable institution or class thereof, as the case may be ;
- (*eb*) prescribing the maximum amounts that may be charged residents in approved charitable institutions for any prescribed class or level of care, services, items and amenities provided in the charitable institutions ;



- (*ec*) providing for the terms and conditions of trust upon which an approved corporation may receive and hold property of a resident in an approved charitable institution maintained and operated by the corporation.

(5) Clause *g* of the said section 10 is amended by inserting <sup>s. 10 (*g*), amended</sup> after “corporations” in the second line “and prescribing a greater amount per bed”.

(6) Clause *h* of the said section 10 is repealed and the <sup>s. 10 (*h*), re-enacted</sup> following substituted therefor:

- (*h*) defining “operating and maintenance costs”, prescribing the manner of computing the part of the cost of care and maintenance of a person resident in a charitable institution, prescribing classes of payments and a higher percentage in respect of the cost of any such class or classes of payment and the maximum amounts of the cost to which Ontario may contribute for the purpose of determining the amount of the payment to be made under section 7;
- (*ha*) defining “extended care services” and “nursing care”, and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in approved charitable institutions or any class thereof and the manner of determining such eligibility;
- (*hb*) prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in approved charitable institutions or any class thereof;
- (*hc*) providing for the authorization by the Director of approved charitable institutions or any class thereof to provide extended care services and prescribing the circumstances and conditions under which such authorizations may be given, including the facilities, equipment, services and programs to be provided in such charitable institutions;
- (*hd*) prescribing rules for determining the amounts to be contributed by any resident or any class of resident in an approved charitable institution towards the cost of his care and maintenance therein.

(7) Clause *i* of the said section 10 is amended by inserting <sup>s. 10 (*i*), amended</sup> after “records” in the first line “and accounts”.

Commence- ment	<b>10.</b> —(1) This Act, except sections 1, 2 and 3, subsection 1 of section 4, sections 7 and 8 and subsection 6 of section 9, comes into force on the day it receives Royal Assent.
Idem	(2) Sections 1, 7 and 8 and subsection 6 of section 9 shall be deemed to have come into force on the 1st day of April, 1972.
Idem	(3) Sections 2 and 3 and subsection 1 of section 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	<b>11.</b> This Act may be cited as <i>The Charitable Institutions Amendment Act, 1972</i> .



An Act to amend  
The Charitable Institutions Act

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*1st Reading*

May 18th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. R. BRUNELLE  
Minister of Community and Social Services

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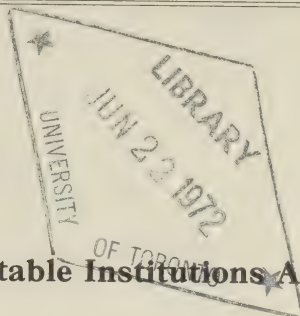
*(Government Bill)*

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**BILL 134**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972



**An Act to amend The Charitable Institutions Act**

THE HON. R. BRUNELLE  
Minister of Community and Social Services

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER





BILL 134

1972

## An Act to amend The Charitable Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Charitable Institutions Act*, <sup>s. 1 (d), re-enacted</sup> being chapter 62 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(d) "Director" means the Director appointed for the purposes of this Act.

2. Subsection 1 of section 3 of the said Act, as enacted <sup>s. 3 (1), amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 16, is amended by adding at the commencement thereof "Subject to section 3a".

3. The said Act is amended by adding thereto the following <sup>s. 3a, enacted</sup> section:

3a. Before selecting or acquiring a site or erecting or <sup>Evaluation and survey</sup> acquiring a building for use as a charitable institution, an approved corporation establishing the charitable institution shall,

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the institution and the best interests of the prospective residents of the institution; and

(b) conduct a survey of the community and a review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

4.—(1) Clause *c* of subsection 1 of section 4 of the said Act <sup>s. 4 (1) (c), re-enacted</sup> is repealed and the following substituted therefor:

(c) erect a new building or an addition to an existing building for use as a charitable institution until,

- (i) the need for the building or the addition has been established to the satisfaction of the Minister,
- (ii) in the case of the erection of a new building, the site, selected and evaluated in accordance with the regulations, has been approved by the Minister, and
- (iii) the plans therefor, developed and prepared in accordance with the regulations, have been approved in writing by the Minister.

s. 4 (1) (c),  
amended

(2) Clause *c* of subsection 1 of the said section 4 is amended by striking out "grant under section 5 or 6" in the fourth line and inserting in lieu thereof "grant under section 5, 6 or 7".

s. 5,  
amended

**5.**—(1) Section 5 of the said Act is amended by striking out "Lieutenant Governor in Council" in the fourth line and inserting in lieu thereof "Minister".

s. 5 (a),  
amended

(2) Clause *a* of the said section 5 is amended by inserting after "bed" in the seventh line "or such greater amount per bed as is prescribed by the regulations".

s. 5 (b),  
amended

(3) Clause *b* of the said section 5 is amended by inserting after "bed" in the seventh line "or such greater amount per bed as is prescribed by the regulations".

s. 6,  
amended

**6.** Section 6 of the said Act is amended by striking out "Lieutenant Governor in Council" in the fourth line and inserting in lieu thereof "Minister" and by adding at the end thereof "or such greater amount per bed as is prescribed by the regulations".

s. 7,  
amended

**7.** Section 7 of the said Act is amended by inserting after "per cent" in the third line "or such higher percentage as the regulations prescribe".

s. 7a,  
enacted

**8.** The said Act is further amended by adding thereto the following section:

Extended  
care  
services

**7a.**—(1) Any person,

- (a) who has been admitted to an approved charitable institution; and
- (b) who is eligible for extended care services under *The Health Insurance Act, 1972* on the grounds of medical necessity,

1972, c. ...

may receive extended care services available in the approved charitable institution where the institution has been authorized by the Director in accordance with the regulations to provide such services.

- (2) The provisions of *The Health Insurance Act, 1972*<sup>Application of 1972, c. ...</sup> apply *mutatis mutandis* to a determination under subsection 1 of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom.
- (3) Notwithstanding subsections 1 and 2, an applicant<sup>Entitlement to services</sup> for extended care services who has been found eligible therefor under this or any other Act does not thereby become entitled as of right to such services in an approved charitable institution.

**9.**—(1) Clause *b* of section 10 of the said Act is repealed<sup>s. 10 (b), re-enacted</sup> and the following substituted therefor:

- (b) prescribing classes of specified approved charitable institutions, governing the admission of persons to and their discharge from approved charitable institutions, prescribing the conditions of eligibility and procedures for such admission and discharge, and specifying classes of persons that may be cared for in specified approved charitable institutions or any class thereof;
- (ba) providing for the making of investigations of the financial circumstances of residents in or applicants for admission to approved charitable institutions or any class thereof for the purpose of determining eligibility or continuing eligibility for admission to the institutions.

(2) The said section 10, as amended by the Statutes of<sup>s. 10, amended</sup> Ontario, 1971, chapter 50, section 16, is further amended by adding thereto the following clauses:

- (bb) prescribing procedures for selecting and evaluating the site for a charitable institution to be erected or acquired by an approved corporation and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 3a;
- (bc) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans;

- (bd) prescribing the location, site, size, design and construction of buildings used or to be acquired, erected or altered for use as approved charitable institutions or any class thereof and the facilities and equipment to be provided therein.

s. 10 (d),  
re-enacted

(3) Clause *d* of the said section 10 is repealed and the following substituted therefor:

- (d) prescribing staff requirements and governing the appointment, qualifications and the powers and duties of administrators and members of the staffs of approved charitable institutions or any class thereof and requiring in-service training programs to be provided for members of staffs of any such institutions or class thereof;
- (da) requiring the bonding of administrators and other employees or classes of employees of approved charitable institutions or any class thereof in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof.

s. 10 (e),  
re-enacted

(4) Clause *e* of the said section 10 is repealed and the following substituted therefor:

- (e) prescribing and governing the social services, medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in approved charitable institutions or classes of approved charitable institutions, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them;
- (ea) prescribing the percentage of bed capacity to be maintained and used in approved charitable institutions for any prescribed class or level of care and services to be provided in the charitable institution or class thereof, as the case may be;
- (eb) prescribing the maximum amounts that may be charged residents in approved charitable institutions for any prescribed class or level of care, services, items and amenities provided in the charitable institutions;



- (*ec*) providing for the terms and conditions of trust upon which an approved corporation may receive and hold property of a resident in an approved charitable institution maintained and operated by the corporation.

(5) Clause *g* of the said section 10 is amended by inserting<sup>s. 10 (g), amended</sup> after “corporations” in the second line “and prescribing a greater amount per bed”.

(6) Clause *h* of the said section 10 is repealed and the<sup>s. 10 (h), re-enacted</sup> following substituted therefor:

- (*h*) defining “operating and maintenance costs”, prescribing the manner of computing the part of the cost of care and maintenance of a person resident in a charitable institution, prescribing classes of payments and a higher percentage in respect of the cost of any such class or classes of payment and the maximum amounts of the cost to which Ontario may contribute for the purpose of determining the amount of the payment to be made under section 7;
- (*ha*) defining “extended care services” and “nursing care”, and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in approved charitable institutions or any class thereof and the manner of determining such eligibility;
- (*hb*) prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in approved charitable institutions or any class thereof;
- (*hc*) providing for the authorization by the Director of approved charitable institutions or any class thereof to provide extended care services and prescribing the circumstances and conditions under which such authorizations may be given, including the facilities, equipment, services and programs to be provided in such charitable institutions;
- (*hd*) prescribing rules for determining the amounts to be contributed by any resident or any class of resident in an approved charitable institution towards the cost of his care and maintenance therein.

(7) Clause *i* of the said section 10 is amended by inserting<sup>s. 10 (i), amended</sup> after “records” in the first line “and accounts”.

Commence-  
ment

**10.**—(1) This Act, except sections 1, 2 and 3, subsection 1 of section 4, sections 7 and 8 and subsection 6 of section 9, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 7 and 8 and subsection 6 of section 9 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Sections 2 and 3 and subsection 1 of section 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**11.** This Act may be cited as *The Charitable Institutions Amendment Act, 1972*.









An Act to amend  
The Charitable Institutions Act

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*1st Reading*

May 18th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

May 25th, 1972

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THE HON. R. BRUNELLE  
Minister of Community and Social Services

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CAZON  
XB  
-B56

BILL 135

Government Bill

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Homes for the Aged and Rest Homes Act**

THE HON. R. BRUNELLE  
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that one board of management may be appointed to have charge of all homes that may be established in a territorial district.

SECTION 2.—Subsection 1. Provision is made for prescribing by regulation the staff required in a home.

Subsection 2. The physician for a home is made responsible for the paramedical and nursing care provided in the home as well as for the medical care.

SECTION 3. Regulations may prescribe the recreational and other facilities to be provided in a home.

BILL 135

1972

## An Act to amend The Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) The Lieutenant Governor in Council may appoint a board of management, which shall be a corporation, for any home established and maintained by a band under section 5 or in a territorial district under section 6.

s. 9 (1),  
re-enacted

Board of  
management,  
appointment

2.—(1) Subsection 3 of section 11 of the said Act is repealed and the following substituted therefor:

s. 11 (3),  
re-enacted

- (3) The Council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall appoint such staff as the regulations prescribe for the proper care and well-being of the residents.

Staff  
appointment

(2) Subsection 4 of the said section 11 is amended by inserting after "medical" in the sixth line "paramedical and nursing".

s. 11 (4),  
amended

3. Section 15 of the said Act is repealed and the following substituted therefor:

s. 15,  
re-enacted

15. The Council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide in accordance with the regulations such space, equipment and materials as will contribute to the well-

Facilities for  
recreational,  
etc.,  
activities

being of the residents of the home or joint home and as will enable the residents to participate in recreation, handicrafts, continuous learning and similar activities, both within and outside the home or joint home.

s. 16,  
re-enacted

**4.** Section 16 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 13, is repealed and the following substituted therefor:

Admission to  
home for  
aged

16.—(1) Any person,

(a) who is over the age of sixty years ; or

(b) who is under the age of sixty years and who because of such special circumstances as are prescribed by the regulations, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a home for the aged or joint home for the aged by the committee of management or board of management, as the case may be, in accordance with the procedures prescribed by the regulations.

Idem, rest  
homes

(2) Any person,

(a) who is eighteen or more years of age and who, in the opinion of two legally qualified medical practitioners, one of whom is the physician of the rest home, is in need of long-term maintenance and supervision as prescribed by the regulations ; or

(b) who is under eighteen years of age and who, because of special circumstances, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a rest home or joint rest home by the committee of management or the board of management, as the case may be, in accordance with the procedures prescribed by the regulations.

s. 17,  
re-enacted

**5.** Section 17 of the said Act is repealed and the following substituted therefor:

Discharge of  
residents  
from homes

17. Where, in the opinions of the administrator and physician of a home or joint home, a resident of the



SECTION 4. Eligibility for admission to a home is specified.

SECTION 5. Regulations will prescribe the discharge procedures.

SECTION 6. The provincial aid towards the cost of providing private-home care is to be paid to the municipality or municipalities or to the board of management of the home rather than to the treasurer.

SECTION 7. The Director of the Homes for the Aged Branch, as well as a provincial supervisor may inspect the books and records of a home.

SECTION 8. Regulations will prescribe the part of the cost of his maintenance that is the responsibility of a resident of a home.

SECTIONS 9 AND 10. It is made clear that the capital cost of a home in a district may include alteration and renovation costs, for the purpose of computing provincial aid to be granted, and for the apportionment of municipal liability for capital costs.

home ceases to be eligible to be maintained and cared for therein or where it is in the best interests of such resident, the resident may be discharged from the home in accordance with the regulations.

**6.** Subsection 2 of section 19 of the said Act is amended by <sup>s. 19 (2),  
amended</sup> striking out "the municipality or to the treasurer of the home or joint home" in the third and fourth lines and inserting in lieu thereof "the municipality operating the home or to the municipalities operating the joint home, or to the board of management".

**7.** Section 20 of the said Act is amended by inserting after <sup>s. 20,  
amended</sup> "by" in the second line "the Director or by".

**8.** Section 22 of the said Act is repealed and the following <sup>s. 22,  
re-enacted</sup> substituted therefor:

22. A resident of a home or joint home is responsible for <sup>Responsibil-  
ity for</sup> the payment of all or such part of the cost of his <sup>payment</sup> maintenance therein as the regulations prescribe.

**9.—(1)** Subsection 1 of section 24 of the said Act is amended <sup>s. 24 (1),  
amended</sup> by striking out "addition to or extension of a home" in the second line and inserting in lieu thereof "alteration, renovation or addition to or extension of an existing home".

(2) Subsection 2 of the said section 24 is amended by striking <sup>s. 24 (2),  
amended</sup> out "addition to or extension of such existing home, the Lieutenant Governor in Council" in the second and third lines and inserting in lieu thereof "alteration, renovation or addition to or extension of such existing home, the Minister".

(3) Subsection 3 of the said section 24 is amended by <sup>s. 24 (3),  
amended</sup> inserting after "the" where it appears the second time in the second line "alteration, renovation or".

**10.—(1)** Subsection 1 of section 26 of the said Act is <sup>s. 26 (1),  
amended</sup> amended by striking out "an addition" in the second line and inserting in lieu thereof "an alteration, renovation or addition", and by striking out "the addition" in the eighth line and inserting in lieu thereof "the alteration, renovation, addition".

(2) Clause *a* of subsection 2 of the said section 26 is amended <sup>s. 26 (2) (a),  
amended</sup> by striking out "the addition" in the seventh line and inserting in lieu thereof "the alteration, renovation or addition".

(3) Subsection 3 of the said section 26 is amended by <sup>s. 26 (3),  
amended</sup> striking out "the addition" in the third line and inserting in lieu thereof "the alteration, renovation or addition".

s. 27 (1),  
re-enacted

**11.**—(1) Subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

Provincial  
subsidy on  
capital  
expenditures

- (1) When the site and plans of a building to be acquired, erected or altered for use as a home or joint home have been approved by the Minister under subsection 1 of section 12, or when such other capital expenditures as are prescribed by the regulations are incurred in connection with the home or joint home, the Minister may direct payment to the municipality or municipalities or to the band or bands or to the board of management, as the case may be, acquiring, erecting or altering the building or incurring the capital expenditures, of an amount computed in accordance with the regulations not exceeding 50 per cent of the cost thereof or such higher percentage as the regulations prescribe.

s. 27 (2),  
amended

- (2) Subsection 2 of the said section 27 is amended by striking out "Lieutenant Governor in Council may direct payment" in the third line and inserting in lieu thereof "Minister may direct payment to the board of management".

s. 27 (3),  
re-enacted

- (3) Subsection 3 of the said section 27 is repealed and the following substituted therefor:

When payable

- (3) Payments under subsection 1 in respect of the erection of a new building or the alteration, renovation or addition to or extension of an existing building may be made either when the new building or the alteration, renovation, addition or extension, as the case may be, is completed and the building is ready for occupancy, or from time to time before completion thereof in the manner prescribed by the regulations.

s. 27 (4),  
amended

- (4) Subsection 4 of the said section 27 is amended by striking out "of a building by an addition or extension" in the second line and inserting in lieu thereof "renovation or addition to or extension of an existing building".

ss. 28, 29,  
re-enacted

**12.**—(1) Sections 28 and 29 of the said Act are repealed and the following substituted therefor:

Provincial  
subsidy on  
operating  
costs

28. There shall be paid monthly to the municipality maintaining and operating a home, or to the municipalities maintaining and operating a joint home or to a board of management, out of the moneys appropriated therefor by the Legislature, an amount equal to that part of the operating and maintenance cost of the home or joint home that is computed in accordance with the regulations.

SECTION 11.—Subsections 1 and 2. The Minister may direct the payment of capital grants, rather than the Lieutenant Governor in Council; the percentage limitation on the amount of such grants may be increased by regulation; amounts are payable to the municipality or to the board of management, rather than to the treasurer.

Subsections 3 and 4. It is made clear that the costs of renovations and alterations are included for the purpose of determining grants under this section.

SECTION 12.—Subsection 1. Sections 28 and 29 are re-enacted to provide authority for a more flexible method of computing provincial operating subsidies.

Subsection 2. Extended care services may be made available in a home to a person eligible therefor under *The Health Insurance Act, 1972*, on the grounds of medical necessity.

SECTION 13. The regulation-making authority is enlarged, complementary to the preceding sections of the Bill.



29. There shall be paid monthly to the municipality<sup>Provincial subsidy for</sup> maintaining and operating a home, or to the municipality<sup>mainten-</sup> maintaining and operating a joint home or<sup>ance of residents</sup> to a board of management out of the moneys appro-<sup>of unorgan-</sup> priated therefor by the Legislature, an amount com-<sup>ized territory</sup> puted in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization.

(2) The said Act is amended by adding thereto the following section: <sup>s. 29a, enacted</sup>

29a.—(1) Any person,

<sup>Extended care services</sup>

(a) who has been admitted to a home or joint home; and

(b) who is eligible for extended care services under *The Health Insurance Act, 1972* on the grounds<sup>1972, c. ...</sup> of medical necessity,

may receive extended care services available in the home or joint home where the home or joint home has been approved by the Director in accordance with the regulations to provide such services.

(2) The provisions of *The Health Insurance Act, 1972* apply *mutatis mutandis* to a determination under subsection 1 of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom. <sup>Application of 1972, c. ...</sup>

(3) Notwithstanding subsections 1 and 2, an applicant for extended care services who has been found eligible therefor under this or any other Act does not thereby become as of right entitled to such services in a home or joint home. <sup>Entitlement to services</sup>

**13.**—(1) Clause *a* of subsection 1 of section 30 of the said Act is repealed and the following substituted therefor: <sup>s. 30 (1) (a), re-enacted</sup>

(a) prescribing the location, site, size, design and construction of buildings used or to be acquired, erected or altered for use as homes or joint homes or any class thereof and the facilities and equipment to be provided therein;

(aa) governing the admission of persons to and their discharge from homes and joint homes and prescribing

the conditions of eligibility therefor and the procedures for such admissions and discharges;

(ab) providing for the making of investigations of the financial circumstances of residents in or applicants for admission to homes and joint homes for the purpose of determining eligibility or continuing eligibility for admission to the home or joint home;

(ac) prescribing the staff requirements of homes and joint homes and governing the appointment of members of the staffs of homes and joint homes.

s. 30 (1),  
amended

(2) Subsection 1 of the said section 30, as amended by the Statutes of Ontario, 1971, chapter 99, section 4, is further amended by adding thereto the following clause:

(ba) requiring the bonding of administrators and other employees or classes of employees of homes and joint homes in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof.

s. 30 (1) (f),  
amended

(3) Clause *f* of subsection 1 of the said section 30 is amended by inserting after "records" in the first line "and accounts".

s. 30 (1) (g),  
re-enacted

(4) Clause *g* of subsection 1 of the said section 30 is repealed and the following substituted therefor:

(g) prescribing and governing the social services, the medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in homes and joint homes or classes of homes and joint homes, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents, and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them;

(ga) prescribing the percentage of bed capacity to be maintained and used in homes or joint homes or any class of home or joint home for any prescribed class or level of care and services to be provided in the home or joint home or class thereof, as the case may be;

(gb) prescribing the maximum amounts that may be charged residents in homes or joint homes for any prescribed class or level of care, services, items and amenities provided in the homes or joint homes;

(gc) providing for the terms and conditions of trust in addition to any terms and conditions of any agreement entered into under section 10, upon which a municipality or board of management operating a home or joint home may receive and hold property of a resident in the home or joint home;

(gd) requiring in-service training programs to be provided for members of staffs of homes and joint homes.

(5) Clauses *h* and *i* of subsection 1 of the said section 30 are <sup>s. 30 (1) (*h*, *i*),</sup> repealed and the following substituted therefor: <sup>re-enacted</sup>

(*h*) defining “extended care services” and “nursing care” and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in homes and joint homes or any class thereof and the manner of determining such eligibility;

(*i*) prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in homes or joint homes or any class thereof;

(*ia*) providing for the approval of homes and joint homes and classes thereof by the Director to provide extended care services and prescribing the circumstances and conditions under which such approval may be given, including the facilities, equipment, services and programs to be provided therein;

(*ib*) determining the amounts to be paid by any resident or class of resident in homes or joint homes towards the cost of his maintenance therein;

(*ic*) defining “operating and maintenance cost”, prescribing the manner of computing the part of such costs of homes and joint homes and classes of payments for the purpose of determining the amounts of the payments to be made under section 28;

(6) Clause *j* of subsection 1 of the said section 30 is <sup>s. 30 (1) (*j*),</sup> repealed. <sup>repealed</sup>

(7) Clause *m* of subsection 1 of the said section 30 is <sup>s. 30 (1) (*m*),</sup> repealed and the following substituted therefor: <sup>re-enacted</sup>

(*m*) prescribing the manner of computing the cost of maintenance of persons in homes or joint homes

whose residence immediately before admission to the home or joint home was in territory without municipal organization, for the purposes of section 29.

Commence-  
ment

**14.**—(1) This Act, except subsection 1 of section 2, sections 4, 5, 8 and 12 and subsections 5, 6 and 7 of section 13, comes into force on the day it receives Royal Assent.

Idem

(2) Section 12 and subsections 5, 6 and 7 of section 13 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Subsection 1 of section 2 and sections 4, 5 and 8 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**15.** This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1972*.



An Act to amend  
The Homes for the Aged  
and Rest Homes Act

---

*1st Reading*

May 18th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. R. BRUNELLE  
Minister of Community and Social Services

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*(Government Bill)*



## BILL 135

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Homes for the Aged and Rest Homes Act**

THE HON. R. BRUNELLE  
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 135

1972

## An Act to amend The Homes for the Aged and Rest Homes Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 9 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) The Lieutenant Governor in Council may appoint a <sup>s. 9 (1),  
re-enacted</sup> board of management, which shall be a corporation, <sup>Board of  
management,  
appointment</sup> for any home established and maintained by a band under section 5 or in a territorial district under section 6.

**2.—**(1) Subsection 3 of section 11 of the said Act is repealed <sup>s. 11 (3),  
re-enacted</sup> and the following substituted therefor:

- (3) The Council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall appoint such staff as the regulations prescribe for the proper care and well-being of the residents. <sup>Staff  
appointment</sup>

(2) Subsection 4 of the said section 11 is amended by inserting after "medical" in the sixth line "paramedical and nursing". <sup>s. 11 (4),  
amended</sup>

**3.** Section 15 of the said Act is repealed and the following <sup>s. 15,  
re-enacted</sup> substituted therefor:

15. The Council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide in accordance with the regulations such space, equipment and materials as will contribute to the well- <sup>Facilities for  
recreational,  
etc.,  
activities</sup>

being of the residents of the home or joint home and as will enable the residents to participate in recreation, handicrafts, continuous learning and similar activities, both within and outside the home or joint home.

s. 16,  
re-enacted

4. Section 16 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 13, is repealed and the following substituted therefor:

Admission to  
home for  
aged

16.—(1) Any person,

(a) who is over the age of sixty years; or

(b) who is under the age of sixty years and who because of such special circumstances as are prescribed by the regulations, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a home for the aged or joint home for the aged by the committee of management or board of management, as the case may be, in accordance with the procedures prescribed by the regulations.

Idem, rest  
homes

(2) Any person,

(a) who is eighteen or more years of age and who, in the opinion of two legally qualified medical practitioners, one of whom is the physician of the rest home, is in need of long-term maintenance and supervision as prescribed by the regulations; or

(b) who is under eighteen years of age and who, because of special circumstances, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a rest home or joint rest home by the committee of management or the board of management, as the case may be, in accordance with the procedures prescribed by the regulations.

s. 17,  
re-enacted

5. Section 17 of the said Act is repealed and the following substituted therefor:

Discharge of  
residents  
from homes

17. Where, in the opinions of the administrator and physician of a home or joint home, a resident of the

home ceases to be eligible to be maintained and cared for therein or where it is in the best interests of such resident, the resident may be discharged from the home in accordance with the regulations.

**6.** Subsection 2 of section 19 of the said Act is amended by <sup>s. 19 (2),  
amended</sup> striking out “the municipality or to the treasurer of the home or joint home” in the third and fourth lines and inserting in lieu thereof “the municipality operating the home or to the municipalities operating the joint home or to the board of management”.

**7.** Section 20 of the said Act is amended by inserting after <sup>s. 20,  
amended</sup> “by” in the second line “the Director or by”.

**8.** Section 22 of the said Act is repealed and the following <sup>s. 22,  
re-enacted</sup> substituted therefor:

22. A resident of a home or joint home is responsible for <sup>Responsibil-  
ity for</sup> the payment of all or such part of the cost of his <sup>payment</sup> maintenance therein as the regulations prescribe.

**9.—(1)** Subsection 1 of section 24 of the said Act is amended <sup>s. 24 (1),  
amended</sup> by striking out “addition to or extension of a home” in the second line and inserting in lieu thereof “alteration, renovation or addition to or extension of an existing home”.

(2) Subsection 2 of the said section 24 is amended by striking <sup>s. 24 (2),  
amended</sup> out “addition to or extension of such existing home, the Lieutenant Governor in Council” in the second and third lines and inserting in lieu thereof “alteration, renovation or addition to or extension of such existing home, the Minister”.

(3) Subsection 3 of the said section 24 is amended by <sup>s. 24 (3),  
amended</sup> inserting after “the” where it appears the second time in the second line “alteration, renovation or”.

**10.—(1)** Subsection 1 of section 26 of the said Act is <sup>s. 26 (1),  
amended</sup> amended by striking out “an addition” in the second line and inserting in lieu thereof “an alteration, renovation or addition”, and by striking out “the addition” in the eighth line and inserting in lieu thereof “the alteration, renovation, addition”.

(2) Clause *a* of subsection 2 of the said section 26 is amended <sup>s. 26 (2) (a),  
amended</sup> by striking out “the addition” in the seventh line and inserting in lieu thereof “the alteration, renovation or addition”.

(3) Subsection 3 of the said section 26 is amended by <sup>s. 26 (3),  
amended</sup> striking out “the addition” in the third line and inserting in lieu thereof “the alteration, renovation or addition”.



s. 27 (1),  
re-enacted

**11.**—(1) Subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

Provincial  
subsidy on  
capital  
expenditures

- (1) When the site and plans of a building to be acquired, erected or altered for use as a home or joint home have been approved by the Minister under subsection 1 of section 12, or when such other capital expenditures as are prescribed by the regulations are incurred in connection with the home or joint home, the Minister may direct payment to the municipality or municipalities or to the band or bands or to the board of management, as the case may be, acquiring, erecting or altering the building or incurring the capital expenditures, of an amount computed in accordance with the regulations not exceeding 50 per cent of the cost thereof or such higher percentage as the regulations prescribe.

s. 27 (2),  
amended

- (2) Subsection 2 of the said section 27 is amended by striking out "Lieutenant Governor in Council may direct payment" in the third line and inserting in lieu thereof "Minister may direct payment to the board of management".

s. 27 (3),  
re-enacted

- (3) Subsection 3 of the said section 27 is repealed and the following substituted therefor:

When payable

- (3) Payments under subsection 1 in respect of the erection of a new building or the alteration, renovation or addition to or extension of an existing building may be made either when the new building or the alteration, renovation, addition or extension, as the case may be, is completed and the building is ready for occupancy, or from time to time before completion thereof in the manner prescribed by the regulations.

s. 27 (4),  
amended

- (4) Subsection 4 of the said section 27 is amended by striking out "of a building by an addition or extension" in the second line and inserting in lieu thereof "renovation or addition to or extension of an existing building".

ss. 28, 29,  
re-enacted

**12.**—(1) Sections 28 and 29 of the said Act are repealed and the following substituted therefor:

Provincial  
subsidy on  
operating  
costs

28. There shall be paid monthly to the municipality maintaining and operating a home, or to the municipalities maintaining and operating a joint home or to a board of management, out of the moneys appropriated therefor by the Legislature, an amount equal to that part of the operating and maintenance cost of the home or joint home that is computed in accordance with the regulations.



29. There shall be paid monthly to the municipality<sup>Provincial subsidy for maintenance of residents of unorganized territory</sup> maintaining and operating a home, or to the municipalities maintaining and operating a joint home or to a board of management out of the moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization.

(2) The said Act is amended by adding thereto the following section: <sup>s. 29a, enacted</sup>

29a.—(1) Any person, <sup>Extended care services</sup>

(a) who has been admitted to a home or joint home; and

(b) who is eligible for extended care services under *The Health Insurance Act, 1972* on the grounds <sup>1972, c. ...</sup> of medical necessity,

may receive extended care services available in the home or joint home where the home or joint home has been approved by the Director in accordance with the regulations to provide such services.

(2) The provisions of *The Health Insurance Act, 1972* <sup>Application of 1972, c. ...</sup> apply *mutatis mutandis* to a determination under subsection 1 of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom.

(3) Notwithstanding subsections 1 and 2, an applicant <sup>Entitlement to services</sup> for extended care services who has been found eligible therefor under this or any other Act does not thereby become as of right entitled to such services in a home or joint home.

**13.**—(1) Clause *a* of subsection 1 of section 30 of the <sup>s. 30 (1) (a), re-enacted</sup> said Act is repealed and the following substituted therefor:

(a) prescribing the location, site, size, design and construction of buildings used or to be acquired, erected or altered for use as homes or joint homes or any class thereof and the facilities and equipment to be provided therein;

(aa) governing the admission of persons to and their discharge from homes and joint homes and prescribing

the conditions of eligibility therefor and the procedures for such admissions and discharges ;

- (ab) providing for the making of investigations of the financial circumstances of residents in or applicants for admission to homes and joint homes for the purpose of determining eligibility or continuing eligibility for admission to the home or joint home ;
- (ac) prescribing the staff requirements of homes and joint homes and governing the appointment of members of the staffs of homes and joint homes.

s. 30 (1),  
amended

(2) Subsection 1 of the said section 30, as amended by the Statutes of Ontario, 1971, chapter 99, section 4, is further amended by adding thereto the following clause :

- (ba) requiring the bonding of administrators and other employees or classes of employees of homes and joint homes in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof.

s. 30 (1) (f),  
amended

(3) Clause *f* of subsection 1 of the said section 30 is amended by inserting after "records" in the first line "and accounts".

s. 30 (1) (g),  
re-enacted

(4) Clause *g* of subsection 1 of the said section 30 is repealed and the following substituted therefor :

- (g) prescribing and governing the social services, the medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in homes and joint homes or classes of homes and joint homes, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents, and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them ;
- (ga) prescribing the percentage of bed capacity to be maintained and used in homes or joint homes or any class of home or joint home for any prescribed class or level of care and services to be provided in the home or joint home or class thereof, as the case may be ;
- (gb) prescribing the maximum amounts that may be charged residents in homes or joint homes for any prescribed class or level of care, services, items and amenities provided in the homes or joint homes ;

(gc) providing for the terms and conditions of trust in addition to any terms and conditions of any agreement entered into under section 10, upon which a municipality or board of management operating a home or joint home may receive and hold property of a resident in the home or joint home;

(gd) requiring in-service training programs to be provided for members of staffs of homes and joint homes.

(5) Clauses *h* and *i* of subsection 1 of the said section 30 are <sup>s. 30 (1) (*h*, *i*),  
re-enacted</sup> repealed and the following substituted therefor:

(*h*) defining “extended care services” and “nursing care” and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in homes and joint homes or any class thereof and the manner of determining such eligibility;

(*i*) prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in homes or joint homes or any class thereof;

(*ia*) providing for the approval of homes and joint homes and classes thereof by the Director to provide extended care services and prescribing the circumstances and conditions under which such approval may be given, including the facilities, equipment, services and programs to be provided therein;

(*ib*) determining the amounts to be paid by any resident or class of resident in homes or joint homes towards the cost of his maintenance therein;

(*ic*) defining “operating and maintenance cost”, prescribing the manner of computing the part of such costs of homes and joint homes and classes of payments for the purpose of determining the amounts of the payments to be made under section 28;

(6) Clause *j* of subsection 1 of the said section 30 is repealed. <sup>s. 30 (1) (*j*),  
repealed</sup>

(7) Clause *m* of subsection 1 of the said section 30 is <sup>s. 30 (1) (*m*),  
re-enacted</sup> repealed and the following substituted therefor:

(*m*) prescribing the manner of computing the cost of maintenance of persons in homes or joint homes

whose residence immediately before admission to the home or joint home was in territory without municipal organization, for the purposes of section 29.

Commence-  
ment

**14.**—(1) This Act, except subsection 1 of section 2, sections 4, 5, 8 and 12 and subsections 5, 6 and 7 of section 13, comes into force on the day it receives Royal Assent.

Idem

(2) Section 12 and subsections 5, 6 and 7 of section 13 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Subsection 1 of section 2 and sections 4, 5 and 8 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**15.** This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1972*.



An Act to amend  
The Homes for the Aged  
and Rest Homes Act

---

*1st Reading*

May 18th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

May 25th, 1972

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THE HON. R. BRUNELLE  
Minister of Community and Social Services

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AZON  
3  
356

**BILL 136**

**Private Member's Bill**

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Game and Fish Act**

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MR. DREA

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The purpose of the Bill is to bring lions, tigers and wild boars within the scope of the Act.

BILL 136

1972

## An Act to amend The Game and Fish Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Paragraph 5 of section 1 of *The Game and Fish Act*, <sup>s. 1, par. 5, re-enacted</sup> being chapter 186 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 30, section 1, is repealed and the following substituted therefor:

5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, lions, tigers and wild boars and any furbearing animal kept on a fur farm, as defined in *The Fur Farms Act*, <sup>1971, c. 29</sup> 1971, but does not include native species otherwise kept in captivity or non-native species present in the wild state.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Game and Fish Amendment* <sup>Short title</sup> Act, 1972.

An Act to amend  
The Game and Fish Act

---

*1st Reading*

May 18th, 1972

*2nd Reading*

*3rd Reading*

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MR. DREA

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*(Private Member's Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to abolish Champerty and Maintenance**

MR. LAWLOR



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The purpose of the Bill is to remove the obsolete offences of champerty and maintenance from the common law.



BILL 137

1972

## An Act to abolish Champerty and Maintenance

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The offences of champerty and maintenance at common law are hereby abolished. Champerty and maintenance abolished
2. Except in the case of a cause of action which arose before this Act comes into force, no person shall be liable in tort for champerty or maintenance. No liability in tort
3. Nothing in this Act affects the provisions of section 30 of *The Solicitors Act* or any other rule of law whereby a contract is to be treated as contrary to public policy or otherwise unlawful. Application R.S.O. 1970, c. 441
4. This Act comes into force on the day it receives Royal Assent. Commence-ment
5. This Act may be cited as *The Champerty and Maintenance Abolition Act, 1972*. Short title

An Act to abolish  
Champerty and Maintenance

---

*1st Reading*

May 18th, 1972

*2nd Reading*

*3rd Reading*

---

MR. LAWLOR

---

*(Private Member's Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Public Health Act**

MR. SHULMAN



#### EXPLANATORY NOTE

The Bill requires cigarette packages to bear a warning label and requires cigarette advertisements to include the warning as well as a statement of the tar and nicotine content of the cigarettes being advertised.

## An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

### LABELLING, ETC., OF CIGARETTES

- 59a.—(1) No person shall package for sale, sell or offer for sale in Ontario cigarettes that do not bear the words “Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases” legibly and conspicuously displayed on the outer surface of the package in which the cigarettes are contained. Cigarette package to bear warning
- (2) No person shall publish or display or cause to be published or displayed or disseminate or cause to be disseminated in any other manner any advertisement intended to induce, directly or indirectly, the purchase of any cigarettes unless there is included as part of the advertisement, Cigarette advertisement to include warning and tar and nicotine content
- (a) the statement “Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases”; and
- (b) a statement setting forth the average tar and nicotine yield per cigarette of the cigarettes referred to in the advertisement.
- (3) The average tar and nicotine yield mentioned in clause b of subsection 2 shall be determined by a method approved by the Minister. Approval by Minister

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Public Health Amendment Act, 1972*.









An Act to amend The Public Health Act

---

*1st Reading*

May 19th, 1972

*2nd Reading*

*3rd Reading*

---

MR. SHULMAN

---

*(Private Member's Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Insurance Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The amendment prevents binding settlements or releases from being entered into by accident victims in haste or while under the stress of recent injury.

BILL 139

1972

## An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: <sup>s. 115a, enacted</sup>

115a. Any agreement, release, waiver or settlement entered into by an injured person within fifteen days after the injury was incurred and given or entered into in respect of any claim under a policy of automobile insurance or accident insurance is voidable by the injured person by notice in writing delivered to the insurer or any office of the insurer or its agent or adjuster within thirty days after the agreement, release, waiver or settlement is entered into. <sup>Releases and settlements voidable</sup>

2. This Act may be cited as *The Insurance Amendment Act, 1972*. <sup>Short title</sup>



An Act to amend The Insurance Act

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*1st Reading*

May 23rd, 1972

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

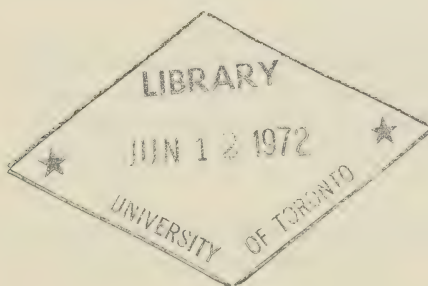
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(*Private Member's Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Regional Municipality of York Act**

THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment changes the status of Vaughan and Whitchurch-Stouffville from township municipalities to town municipalities.

SECTION 2. The Minister is empowered to make certain orders in connection with the municipal elections for the years 1973 and 1974.

BILL 140

1972

## An Act to amend The Regional Municipality of York Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 2 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by striking out “township” in the third line and inserting in lieu thereof “town”. s. 2 (1) (h),  
amended

(2) Clause *i* of subsection 1 of the said section 2 is amended by striking out “township” in the third and fourth lines and inserting in lieu thereof “town”. s. 2 (1) (i),  
amended

2. Subsection 3 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (3),  
re-enacted

(3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may, by order, Elections  
1972

(a) divide or redivide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards; and

(b) provide for such other matters as he considers necessary to hold the elections,

and where the Minister has divided or redivided an area municipality into wards, such division or redivision shall remain in effect until altered by the Municipal Board and the Municipal Board may divide or redivide any area municipality into wards in accordance with the provisions of section 13 of *The Municipal Act*. R.S.O. 1970,  
c. 284

s. 27a,  
enacted

**3.** The said Act is amended by adding thereto the following section:

Construction,  
etc., of  
waterworks  
system

27a.—(1) The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

Special  
benefit

(2) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a waterworks system, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of a waterworks system and at any time in respect of the assumption of a waterworks system by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(3) When an area municipality receives a special benefit by the extension or improvement of a waterworks system and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such waterworks system among all the area municipalities which receive a special benefit therefrom.

Payments

(4) Where any debt is incurred for the cost of a waterworks system, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of  
money by  
area mun-  
cipality

R.S.O. 1970,  
c. 284

(5) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing water rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the waterworks system had

SECTION 3. The objective of this amendment is to give the Regional Corporation direct authority to construct waterworks systems and also to charge back a share of the costs of such waterworks systems to municipalities who receive special benefit, similar to the provisions for a sewer system.

SECTION 4. The permissible interest rate chargeable by an area municipality in respect of overdue payments to it by the Regional Corporation on account of waterworks assumption is doubled.

SECTION 5. Similar in intention to section 4 of the Bill, in relation to the penalty for late payment for water supplied.

SECTION 6. Similar in intent to section 4 of the Bill, in relation to the penalty for late payment on account of sewage works assumption.

SECTION 7. The effect of the amendment is to permit the whole or any portion of the capital cost of the construction of a sewage work to be charged to an area municipality that is specially benefitted from the work.

SECTION 8. The subsection amended requires the approval of the Regional Council to the construction of sidewalks, sewers, etc., on a regional road by an area municipality; the words added will permit the approval to be expressed by resolution of the Regional Council.

SECTION 9. Similar in intent to section 4 of the Bill, in relation to the penalty for late payment on account of the assumption of a road as a part of the regional road system.



been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the waterworks system there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the waterworks system a water rate sufficient to pay for the whole or a portion or percentage of the capital cost of the waterworks system.

**4.** Subsection 6 of section 28 of the said Act is repealed and <sup>s. 28 (6),</sup> re-enacted the following substituted therefor:

- (6) If the Regional Corporation fails to make any payment <sup>Default</sup> on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**5.** Subsection 2 of section 42 of the said Act is amended <sup>s. 42 (2),</sup> amended by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Regional Council determines".

**6.** Subsection 6 of section 50 of the said Act is repealed <sup>s. 50 (6),</sup> re-enacted and the following substituted therefor:

- (6) If the Regional Corporation fails to make any <sup>Default</sup> payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**7.** Subsection 1 of section 54 of the said Act is amended <sup>s. 54 (1),</sup> amended by inserting after "Corporation" in the ninth line "the whole or".

**8.** Subsection 2 of section 70 of the said Act is amended by <sup>s. 70 (2),</sup> amended adding at the end thereof "expressed by resolution".

**9.** Subsection 3 of section 85 of the said Act is repealed and <sup>s. 85 (3),</sup> re-enacted the following substituted therefor:

- (3) If the Regional Corporation fails to make any pay- <sup>Default</sup> ment on or before the due date required by subsection 2, the area municipality may charge the

Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 95,  
amended

**10.** Section 95 of the said Act is amended by adding thereto the following subsection:

Name of  
board

(1a) The board of health of the health unit established under section 94 shall be known as The York Regional Board of Health.

s. 109 (6),  
re-enacted

**11.** Subsection 6 of section 109 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 112a,  
enacted

**12.** The said Act is amended by adding thereto the following section:

Interpre-  
tation

112a. In sections 114, 115 and 117, "Ministry" means the Ministry of Revenue.

s. 113,  
amended

**13.** Section 113 of the said Act is amended by adding thereto the following subsection:

Application  
of R.S.O. 1970,  
cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 122,  
amended

**14.** Section 122 of the said Act is amended by adding thereto the following subsection:

Appointment  
of  
arbitrator

(9) The Minister may, on or before the 30th day of June, 1972, appoint an arbitrator to determine any outstanding dispute respecting the disposition of any assets and liabilities between the Township of East Gwillimbury and the Town of Newmarket, and the arbitrator so appointed shall recommend to the Minister the determination to be made and the decision of the Minister is final.

s. 125 (1),  
amended

**15.** Subsection 1 of section 125 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

SECTION 10. The amendment establishes the name of the board of health of the health unit serving the Regional Area.

SECTION 11. Similar in intent to section 4 of the Bill, in relation to the penalty for late payment on account of police buildings assumption.

SECTION 12. The amendment reflects the transfer to the Ministry of Revenue of the assessment functions formerly under the Department of Municipal Affairs.

SECTION 13. The amendment provides for the apportionment of taxes collected on supplementary assessments and the charging back in respect of assessment lost following a reduction on an appeal.

SECTION 14. Machinery is provided to determine the disposition of an outstanding matter between the named municipalities.

SECTION 15. The amendment is designed to make it clear that the Regional Council may temporarily borrow moneys until other revenues, as well as the levies for the year, are received.

SECTION 16. The authority to obtain temporary advances pending the issue or sale of debentures following Municipal Board approval is extended to area municipality councils as well as the Regional Council, where the debenture issue is for the purposes of the area municipality.

SECTION 17.—Subsection 1. The issue of instalment debentures is authorized; similar authority now exists in *The Municipal Act* for local municipalities having a population of 20,000 or more.

**16.** Subsection 2 of section 129 of the said Act is repealed <sup>s. 129 (2),</sup> and the following substituted therefor: <sup>re-enacted</sup>

- (2) When the Municipal Board has authorized the borrow- <sup>Idem</sup>  
ing of money and the issue of debentures by the  
Regional Corporation for the purposes of an area  
municipality, the Regional Council or the council of  
the area municipality pending the issue and sale of  
the debentures may, and the Regional Council on the  
request of the area municipality shall, agree with a  
bank or person for temporary advances from time to  
time to meet expenditures incurred for the purposes  
authorized, and the Regional Council may, or on the  
request of the area municipality shall, pending the  
sale of such debentures or in lieu of selling them,  
authorize the chairman and financial officer to raise  
money by way of loan on the debentures and to  
hypothesize them for the loan, and shall transfer the  
proceeds of such advance or loan to the area  
municipality.

**17.**—(1) Section 130 of the said Act is amended by adding <sup>s. 130,</sup> thereto the following subsections: <sup>amended</sup>

- (6a) Notwithstanding subsection 5, the Regional Council <sup>Instalment</sup>  
may by by-law, <sup>debentures</sup>  
<sup>and</sup>  
<sup>debentures</sup>  
<sup>to refund</sup>  
<sup>existing</sup>  
<sup>debentures</sup>  
<sup>at maturity</sup>
- (a) authorize the borrowing of money by the issue  
of instalment debentures, the last instalment  
of which shall mature not earlier than ten  
years after the date upon which they are issued,  
and a specified sum of principal payable there-  
under in the final year shall be raised by the  
issue of refunding debentures as provided in  
clause *b*, and it shall not be necessary to raise  
by special rate in the year of maturity of the  
debentures to be refunded an amount equal  
to the specified principal amount of the deben-  
tures which are being refunded; and
- (b) authorize the issue of debentures to refund at  
maturity outstanding debentures of the muni-  
cipality, provided that the refunding debentures  
shall be payable within the maximum period  
of years that was approved by the order of  
the Municipal Board for the repayment of  
debentures issued for the debt for which the  
outstanding debentures were issued, com-  
mencing on the date of the debentures origi-  
nally issued for such debt,



and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

- (6*b*) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

s. 130 (18),  
amended

- (2) Subsection 18 of the said section 130 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

s. 130 (19),  
amended

- (3) Subsection 19 of the said section 130 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada".

s. 130 (20),  
amended

- (4) Subsection 20 of the said section 130 is amended by striking out " $3\frac{1}{2}$ " in the third line and inserting in lieu thereof "5".

s. 130 (22, 23),  
re-enacted

- (5) Subsections 22 and 23 of the said section 130 are repealed and the following substituted therefor:

Sinking  
fund  
committee

- (22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Subsection 2. The amendment permits debentures to be made payable in a currency other than that of Canada, the United States or Great Britain; similar authority now exists in *The Municipal Act* for local municipalities having a population of 75,000 or more.

Subsection 3. The amendment is complementary to subsection 2 of this section.

Subsection 4. The interest rate to be applied in determining the amount of principal to be raised in each year in respect of sinking fund debentures is increased from  $3\frac{1}{2}$  per cent per annum to 5 per cent per annum.

Subsection 5. Two of the three members of the sinking fund committee will now be appointed by the Regional Council rather than the Lieutenant Governor in Council, and their remuneration will be in the discretion of the Regional Council.



Subsection 6. The use of a sinking fund surplus to reduce the next annual levy on account of principal and interest of regional or area debentures will not now require Municipal Board approval.

SECTION 18. The subsection permits the registration of money by-laws; the amendment specifies the registry office in which they may be registered.

SECTION 19.—Subsection 1. The new subsection 10 authorizes the Regional Council to pass by-laws licensing, regulating and governing drain contractors and plumbers.

Subsection 2. The new subsection 11 confers the same power as subsection 10 in respect of septic tank cleaners.

Subsection 3. The powers under subsection 11 may be exercised only until such time as the Province commences to exercise jurisdiction in the area over the subject-matter under *The Environmental Protection Act, 1971*.

SECTION 20. The Regional Council is empowered to acquire lands for and to establish parks, etc.

- (23) The Regional Council may appoint an alternate <sup>Alternate members</sup> member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(6) Subclause ii of clause *b* of subsection 40 of the said section <sup>s. 130 (40) (b)</sup> <sup>(ii),</sup> 130 is amended by striking out "subject to the approval of the <sup>amended</sup> Municipal Board" in the first line.

**18.** Subsection 1 of section 135 of the said Act is amended <sup>s. 135 (1),</sup> <sup>amended</sup> by striking out "appropriate land titles or registry office" in the fourth and fifth lines and inserting in lieu thereof "Registry Office for the Registry Division of York North".

**19.**—(1) Section 149 of the said Act, as amended by the <sup>s. 149,</sup> <sup>amended</sup> Statutes of Ontario, 1971, chapter 75, section 7, is further amended by adding thereto the following subsection:

- (10) The Regional Corporation shall be considered to be a <sup>Drain</sup> <sup>contractors,</sup> <sup>etc., and</sup> <sup>plumbers</sup> local municipality for the purposes of paragraphs 3 <sup>R.S.O. 1970,</sup> <sup>c. 284</sup> and 12 of section 383 of *The Municipal Act*, and no area municipality shall exercise the powers conferred in those paragraphs.

(2) The said section 149 is further amended by adding <sup>s. 149,</sup> <sup>amended</sup> thereto the following subsection:

- (11) The Regional Council may pass by-laws for licensing, <sup>Septic tank</sup> <sup>cleaning and</sup> <sup>pumping</sup> regulating and governing persons who carry on the business of providing septic tank cleaning and pumping services.

(3) No by-law passed under subsection 11 of section 149, <sup>Application</sup> <sup>of 1971, c. 86,</sup> <sup>Part VII</sup> as enacted by subsection 2 of this section, shall have any force or effect on and after the day on which Part VII of *The Environmental Protection Act, 1971* is made applicable to the Regional Area under section 103 of the said Act.

**20.** Section 173 of the said Act is repealed and the <sup>s. 173,</sup> <sup>re-enacted</sup> following substituted therefor:

- 173.—(1) The Regional Council may pass by-laws for <sup>Acquiring</sup> <sup>land for</sup> <sup>parks, etc.</sup> acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. <sup>R.S.O. 1970,</sup> <sup>c. 384</sup>

Sale of  
spirituous,  
etc., liquors  
in parks

R.S.O. 1970,  
c. 250

- (2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application  
of  
R.S.O. 1970,  
c. 284

- (3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional  
Corporation a  
municipality  
under R.S.O.  
1970, c. 337

- (4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Park lands  
owned by  
conservation  
authority

- (5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands ;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof ;

R.S.O. 1970,  
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act* ;

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

Tax  
exemption  
R.S.O. 1970,  
c. 32

- (6) An exemption from taxes under subsection 5 shall be deemed to have the same effect as an exemption from taxes under section 3 of *The Assessment Act*.

Payment in  
lieu of  
taxes

- (7) The Regional Council may agree to pay annually to the area municipality in which any land used for the

purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

- (8) The Regional Council shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Regional Council deemed community centre board, etc.  
R.S.O. 1970, cc. 120, 73

**21.**—(1) This Act, except sections 1, 7 and 18 and sub-section 1 of section 19, comes into force on the day it receives Royal Assent. Commence-ment

(2) Sections 1, 7 and 18 shall be deemed to have come into force on the 1st day of January, 1972. Idem

(3) Subsection 1 of section 19 comes into force on the 1st day of January, 1973. Idem

**22.** This Act may be cited as *The Regional Municipality of York Amendment Act, 1972*. Short title





An Act to amend  
The Regional Municipality of York Act

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*1st Reading*

May 25th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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3  
356

**BILL 140**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Regional Municipality of York Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



## An Act to amend The Regional Municipality of York Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 2 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by striking out “township” in the third line and inserting in lieu thereof “town”. s. 2 (1) (h),  
amended

(2) Clause *i* of subsection 1 of the said section 2 is amended by striking out “township” in the third and fourth lines and inserting in lieu thereof “town”. s. 2 (1) (i),  
amended

2. Subsection 3 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (3),  
re-enacted

(3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may, by order, Elections  
1972

(a) divide or redivide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards; and

(b) provide for such other matters as he considers necessary to hold the elections,

and where the Minister has divided or redivided an area municipality into wards, such division or redivision shall remain in effect until altered by the Municipal Board and the Municipal Board may divide or redivide any area municipality into wards in accordance with the provisions of section 13 of *The Municipal Act*. R.S.O. 1970,  
c. 284

s. 27a,  
enacted

**3.** The said Act is amended by adding thereto the following section:

Construction,  
etc., of  
waterworks  
system

27a.—(1) The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

Special  
benefit

(2) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a waterworks system, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of a waterworks system and at any time in respect of the assumption of a waterworks system by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(3) When an area municipality receives a special benefit by the extension or improvement of a waterworks system and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such waterworks system among all the area municipalities which receive a special benefit therefrom.

Payments

(4) Where any debt is incurred for the cost of a waterworks system, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of  
money by  
area muni-  
cipality

R.S.O. 1970,  
c. 284

(5) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing water rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the waterworks system had

been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the waterworks system there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the waterworks system a water rate sufficient to pay for the whole or a portion or percentage of the capital cost of the waterworks system.

**4.** Subsection 6 of section 28 of the said Act is repealed and <sup>s. 28 (6), re-enacted</sup> the following substituted therefor:

- (6) If the Regional Corporation fails to make any payment <sup>Default</sup> on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**5.** Subsection 2 of section 42 of the said Act is amended <sup>s. 42 (2), amended</sup> by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Regional Council determines".

**6.** Subsection 6 of section 50 of the said Act is repealed <sup>s. 50 (6), re-enacted</sup> and the following substituted therefor:

- (6) If the Regional Corporation fails to make any <sup>Default</sup> payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**7.** Subsection 1 of section 54 of the said Act is amended <sup>s. 54 (1), amended</sup> by inserting after "Corporation" in the ninth line "the whole or".

**8.** Subsection 2 of section 70 of the said Act is amended by <sup>s. 70 (2), amended</sup> adding at the end thereof "expressed by resolution".

**9.** Subsection 3 of section 85 of the said Act is repealed and <sup>s. 85 (3), re-enacted</sup> the following substituted therefor:

- (3) If the Regional Corporation fails to make any pay- <sup>Default</sup> ment on or before the due date required by subsection 2, the area municipality may charge the



Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 95,  
amended

**10.** Section 95 of the said Act is amended by adding thereto the following subsection:

Name of  
board

(1a) The board of health of the health unit established under section 94 shall be known as The York Regional Board of Health.

s. 109 (6),  
re-enacted

**11.** Subsection 6 of section 109 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 112a,  
enacted

**12.** The said Act is amended by adding thereto the following section:

Interpre-  
tation

112a. In sections 114, 115 and 117, "Ministry" means the Ministry of Revenue.

s. 113,  
amended

**13.** Section 113 of the said Act is amended by adding thereto the following subsection:

Application  
of R.S.O. 1970,  
cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 122,  
amended

**14.** Section 122 of the said Act is amended by adding thereto the following subsection:

Appointment  
of  
arbitrator

(9) The Minister may, on or before the 30th day of June, 1972, appoint an arbitrator to determine any outstanding dispute respecting the disposition of any assets and liabilities between the Township of East Gwillimbury and the Town of Newmarket, and the arbitrator so appointed shall recommend to the Minister the determination to be made and the decision of the Minister is final. \*

s. 125 (1),  
amended

**15.** Subsection 1 of section 125 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

**16.** Subsection 2 of section 129 of the said Act is repealed <sup>s. 129 (2),</sup> and the following substituted therefor: <sup>re-enacted</sup>

- (2) When the Municipal Board has authorized the borrow- <sup>Idem</sup>  
ing of money and the issue of debentures by the  
Regional Corporation for the purposes of an area  
municipality, the Regional Council or the council of  
the area municipality pending the issue and sale of  
the debentures may, and the Regional Council on the  
request of the area municipality shall, agree with a  
bank or person for temporary advances from time to  
time to meet expenditures incurred for the purposes  
authorized, and the Regional Council may, or on the  
request of the area municipality shall, pending the  
sale of such debentures or in lieu of selling them,  
authorize the chairman and financial officer to raise  
money by way of loan on the debentures and to  
hypothecate them for the loan, and shall transfer the  
proceeds of such advance or loan to the area  
municipality.

**17.**—(1) Section 130 of the said Act is amended by adding <sup>s. 130,</sup> thereto the following subsections: <sup>amended</sup>

- (6a) Notwithstanding subsection 5, the Regional Council <sup>Instalment</sup>  
may by by-law, <sup>debentures</sup>  
<sup>and</sup>  
<sup>debentures</sup>  
<sup>to refund</sup>  
<sup>existing</sup>  
<sup>debentures</sup>  
<sup>at maturity</sup>
- (a) authorize the borrowing of money by the issue  
of instalment debentures, the last instalment  
of which shall mature not earlier than ten  
years after the date upon which they are issued,  
and a specified sum of principal payable there-  
under in the final year shall be raised by the  
issue of refunding debentures as provided in  
clause *b*, and it shall not be necessary to raise  
by special rate in the year of maturity of the  
debentures to be refunded an amount equal  
to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at  
maturity outstanding debentures of the municipi-  
pality, provided that the refunding debentures  
shall be payable within the maximum period  
of years that was approved by the order of  
the Municipal Board for the repayment of  
debentures issued for the debt for which the  
outstanding debentures were issued, com-  
mencing on the date of the debentures origi-  
nally issued for such debt,



and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

- (6*b*) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

s. 130 (18),  
amended

- (2) Subsection 18 of the said section 130 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

s. 130 (19),  
amended

- (3) Subsection 19 of the said section 130 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada".

s. 130 (20),  
amended

- (4) Subsection 20 of the said section 130 is amended by striking out " $3\frac{1}{2}$ " in the third line and inserting in lieu thereof "5".

s. 130 (22, 23),  
re-enacted

- (5) Subsections 22 and 23 of the said section 130 are repealed and the following substituted therefor:

Sinking  
fund  
committee

- (22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

- (23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. <sup>Alternate members</sup>

(6) Subclause ii of clause *b* of subsection 40 of the said section 130 is amended by striking out "subject to the approval of the Municipal Board" in the first line. <sup>s. 130 (40) (b) (ii), amended</sup>

**18.** Subsection 1 of section 135 of the said Act is amended by striking out "appropriate land titles or registry office" in the fourth and fifth lines and inserting in lieu thereof "Registry Office for the Registry Division of York North". <sup>s. 135 (1), amended</sup>

**19.**—(1) Section 149 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, is further amended by adding thereto the following subsection: <sup>s. 149, amended</sup>

- (10) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 3 and 12 of section 383 of *The Municipal Act*, and no area municipality shall exercise the powers conferred in those paragraphs. <sup>Drain contractors, etc., and plumbers R.S.O. 1970, c. 284</sup>

(2) The said section 149 is further amended by adding thereto the following subsection: <sup>s. 149, amended</sup>

- (11) The Regional Council may pass by-laws for licensing, regulating and governing persons who carry on the business of providing septic tank cleaning and pumping services. <sup>Septic tank cleaning and pumping</sup>

(3) No by-law passed under subsection 11 of section 149, as enacted by subsection 2 of this section, shall have any force or effect on and after the day on which Part VII of *The Environmental Protection Act*, 1971 is made applicable to the Regional Area under section 103 of the said Act. <sup>Application of 1971, c. 86, Part VII</sup>

**20.** Section 173 of the said Act is repealed and the following substituted therefor: <sup>s. 173, re-enacted</sup>

- 173.—(1) The Regional Council may pass by-laws for acquiring land for improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. <sup>Acquiring land for parks, etc. R.S.O. 1970, c. 384</sup>

Sale of  
spirituous,  
etc., liquors  
in parks

R.S.O. 1970,  
c. 250

- (2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application  
of  
R.S.O. 1970,  
c. 284

- (3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional  
Corporation a  
municipality  
under R.S.O.  
1970, c. 337

- (4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Park lands  
owned by  
conservation  
authority

- (5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands ;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof ;

R.S.O. 1970,  
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act* ;

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

Tax  
exemption  
R.S.O. 1970,  
c. 32

- (6) An exemption from taxes under subsection 5 shall be deemed to have the same effect as an exemption from taxes under section 3 of *The Assessment Act*.

Payment in  
lieu of  
taxes

- (7) The Regional Council may agree to pay annually to the area municipality in which any land used for the

purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

- (8) The Regional Council shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Regional Council deemed community centre board, etc.  
R.S.O. 1970, cc. 120, 73

**21.**—(1) This Act, except sections 1, 7 and 18 and subsection 1 of section 19, comes into force on the day it receives Royal Assent. Commence-ment

(2) Sections 1, 7 and 18 shall be deemed to have come into force on the 1st day of January, 1972. Idem

(3) Subsection 1 of section 19 comes into force on the 1st day of January, 1973. Idem

**22.** This Act may be cited as *The Regional Municipality of York Amendment Act, 1972*. Short title

An Act to amend  
The Regional Municipality of York Act

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*1st Reading*

May 25th, 1972

*2nd Reading*

June 22nd, 1972

*3rd Reading*

June 23rd, 1972

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to authorize the Raising of Money on the  
Credit of the Consolidated Revenue Fund**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of  
Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER





## BILL 141

1972

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$800,000,000.

Loans up to  
\$800,000,000

R.S.O. 1970,  
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Ontario Loan Act, 1972*.

Short title

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## BILL 141

---

An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue  
Fund

---

*1st Reading*

May 25th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*(Government Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to authorize the Raising of Money on the  
Credit of the Consolidated Revenue Fund**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of  
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BILL 141

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Loans up to  
\$800,000,000

R.S.O. 1970,  
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

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Commence-  
ment

3. This Act may be cited as *The Ontario Loan Act, 1972*.

Short title

An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue  
Fund

*1st Reading*

May 25th, 1972

*2nd Reading*

June 20th, 1972

*3rd Reading*

June 21st, 1972

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**The Coroners Act, 1972**

THE HON. J. YAREMKO  
Solicitor General





#### EXPLANATORY NOTE

The Bill is a new Coroners Act implementing the recommendations of the Ontario Law Reform Commission contained in its Report on the Coroner System in Ontario, 1971. The principal changes include,

1. The repeal of the functions, powers and duties of coroners at common law and the creation of a coroners system that is entirely statutory with all the powers and duties set out in the Act.
2. Provision for persons with direct interest in the inquest to be represented by counsel and participate in the adducing of evidence.
3. Clarification of the rights of witnesses and of the rules and procedures for adducing evidence.
4. Clarification of the function of an inquest and verdicts.
5. The creation of a Coroners' Council for the purpose of maintaining standards of performance of coroners.
6. Provision for a code of ethics for coroners.

## BILL 142

1972

## The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

(a) "Chief Coroner" means the Chief Coroner for Ontario;

(b) "Minister" means the Solicitor General. *New.*

2.—(1) In so far as it is within the jurisdiction of the Legislature, the common law as it relates to the functions, powers and duties of coroners within Ontario is repealed.

Repeal of  
common law  
functions

(2) The powers conferred on a coroner to conduct an inquest shall not be construed as creating a criminal court of record. *New.*

Inquest not  
criminal  
court of  
record

3.—(1) The Lieutenant Governor in Council may appoint one or more legally qualified medical practitioners to be coroners for any part of Ontario who, subject to subsections 2, 3 and 4, shall hold office during pleasure.

Appointment  
of coroners

(2) A coroner ceases to hold office,

Tenure

(a) upon attaining the age of seventy years; or

(b) where he is a member of the College of Physicians and Surgeons of Ontario, upon the erasure of his name from the register under *The Medical Act*.

R.S.O. 1970,  
c. 268

(3) The appointment of a coroner who is a member of the College of Physicians and Surgeons is suspended during any period that his registration is suspended under *The Medical Act*. R.S.O. 1970, c. 87, s. 1.

Suspension

(4) A coroner may resign his office in writing.

Resignation

Residential  
areas

(5) The Lieutenant Governor in Council may by regulation establish areas of Ontario and the appointment and continuation in office of a coroner is subject to the condition that he is ordinarily resident in the area named in the appointment. *New.*

Appoint-  
ments to  
be filed

(6) A certified copy of the order appointing a coroner shall be sent by the Minister to the clerk of the peace of the county or district in which the coroner is to act, and shall be filed by him in his office. R.S.O. 1970, c. 87, s. 4.

Appoint-  
ments under  
R.S.O. 1970,  
c. 87,  
continued

(7) All persons holding appointments as coroners under *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, shall be deemed to have been appointed in accordance with the provisions of this Act. *New.*

Chief  
Coroner  
and duties

4. The Lieutenant Governor in Council may appoint a coroner to be Chief Coroner for Ontario who shall,

- (a) administer this Act and the regulations;
- (b) supervise, direct and control all coroners in Ontario in the performance of their duties;
- (c) conduct programs for the instruction of coroners in their duties;
- (d) bring the findings and recommendations of coroners' juries to the attention of appropriate persons, agencies and ministries of government;
- (e) prepare, publish and distribute a code of ethics for the guidance of coroners;
- (f) perform such other duties as are assigned to him by or under this or any other Act or by the regulations or by the Lieutenant Governor in Council. R.S.O. 1970, c. 87, s. 2 (1), *amended.*

Regional  
coroners

5.—(1) The Lieutenant Governor in Council may appoint a coroner as a regional coroner for such region of Ontario as is described in the appointment.

Duties

(2) A regional coroner shall assist the Chief Coroner in the performance of his duties in the region and shall perform such other duties as are assigned to him by the Chief Coroner. *New.*

Coroners'  
Council

6.—(1) There shall be a Coroners' Council composed of the Chief Judge of the County and District Courts and not

more than four other persons appointed by the Lieutenant Governor in Council.

(2) Such officers and employees of the Coroners' Council as <sup>Staff</sup> are considered necessary shall be appointed under *The R.S.O. 1970, c. 386 Public Service Act*.

(3) A majority of the members of the Coroners' Council <sup>Quorum</sup> constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Coroners' Council. *New.*

**7.—**(1) The functions of the Coroners' Council are, <sup>Functions of Council</sup>

- (a) to review and recommend to the Minister the termination of the appointments of coroners who are not actively performing the duties of coroners;
- (b) to receive complaints respecting the misbehaviour or incompetence of or neglect of duty by coroners or the inability of coroners to perform their duties; and
- (c) to take such action to investigate complaints as it considers advisable including the review thereof with the coroner where appropriate, and, after giving the coroner an opportunity to be heard, to make such recommendations to the Minister with respect thereto as it sees fit.

(2) For the purposes of an investigation under this section, <sup>Powers</sup> the Coroners' Council has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies <sup>1971, c. 49</sup> to the investigation as if it were an inquiry under that Act.

(3) No action or other proceeding for damages shall be <sup>Protection from liability</sup> instituted against the Coroners' Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty. *New.*

**8.** Subject to subsection 3 of section 13, a provincial <sup>Authority for judge to act as coroner</sup> judge in a provisional judicial district may perform any of the duties and exercise any of the powers of a coroner in the district in the absence of a coroner. R.S.O. 1970, c. 87, s. 6, *amended.*

**9.—**(1) Every person who has reason to believe that a <sup>Duty to give information</sup> deceased person died,

- (a) as a result of,

- i. violence,
- ii. misadventure,
- iii. negligence,
- iv. misconduct, or
- v. malpractice;

(b) by unfair means;

(c) during pregnancy or following pregnancy in circumstances that might reasonably be attributable thereto;

(d) suddenly and unexpectedly;

(e) from disease or sickness for which he was not treated by a legally qualified medical practitioner;

(f) from any cause other than disease; or

(g) under such circumstances as may require investigation,

shall immediately notify a coroner of the facts and circumstances relating to the death.

Deaths to  
be reported

(2) Where a person dies while resident or an in-patient in,

R.S.O. 1970,  
c. 62

(a) a charitable institution as defined in *The Charitable Institutions Act*;

R.S.O. 1970,  
c. 65

(b) a children's boarding home as defined in *The Children's Boarding Homes Act*;

R.S.O. 1970,  
c. 66

(c) a children's institution as defined in *The Children's Institutions Act*;

R.S.O. 1970,  
c. 206

(d) a home for the aged to which *The Homes for the Aged and Rest Homes Act* applies;

R.S.O. 1970,  
c. 204

(e) a home for retarded persons as defined in *The Homes for Retarded Persons Act*;

R.S.O. 1970,  
c. 269

(f) a psychiatric facility designated under *The Mental Health Act*;

R.S.O. 1970,  
c. 270

(g) an institution under *The Mental Hospitals Act*;



- (h) a nursing home to which *The Nursing Homes Act*, R.S.O. 1970, c. 302, 1972 applies;
- (i) a children's mental health centre under *The Children's Mental Health Centres Act*, R.S.O. 1970, c. 68;
- (j) a public or private hospital to which the person was transferred from a hospital, institution or home referred to in clauses a to i,

the person in charge of the hospital, institution or home shall immediately give notice of the death to a coroner, and the coroner shall investigate the circumstances of the death and, if as a result of the investigation he is of the opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body. R.S.O. 1970, c. 87, s. 22.

- (3) Where a person dies while he is, Inmate off premises
  - (a) a patient of a psychiatric facility;
  - (b) committed to a correctional institution; or
  - (c) a ward of a training school,

but while not on the premises or in actual custody thereof, subsections 1 and 2 apply as if the person were a resident of an institution named therein. *New.*

- (4) Where a person dies while detained by or in the actual custody of a peace officer or while an inmate on the premises of a correctional institution, lock-up or training school, the peace officer or officer in charge of the institution, lock-up or training school, as the case may be, shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body. R.S.O. 1970, c. 87, s. 23, *amended.* Persons in custody

- (5) A statement as to the notification or non-notification of a coroner under this section, purporting to be certified by the coroner, is, without proof of the appointment or signature of the coroner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 87, s. 7 (2). Certificate as evidence

**10.** No person who has reason to believe that a person died in any of the circumstances mentioned in section 8 shall interfere with or alter the body or its condition in any way until the coroner so directs. R.S.O. 1970, c. 87, s. 9, *amended.* Interference with body

**11.**—(1) Where a coroner has issued his warrant to take possession of the body of a person who has met death by Power of coroner to take charge of wreckage

violence in a wreck, the coroner may, with the approval of the Chief Coroner, take charge of the wreckage and place one or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he considers necessary.

View to be expedited

(2) The jury or coroner, as the case may be, shall view the wreckage at the earliest moment possible. R.S.O. 1970, c. 87, s. 21, *amended*.

Shipment of bodies outside Ontario

**12.**—(1) No person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

Fee for certificate

(2) An applicant for a certificate under subsection 1 shall pay to the coroner such fee as is prescribed therefor.

Embalming, etc., prohibited

(3) No person who has reason to believe that a dead body will be shipped or taken to a place outside Ontario shall embalm or make any alteration to the body or apply any chemical to the body, internally or externally, until the certificate required by subsection 1 has been issued. R.S.O. 1970, c. 87, s. 10, *amended*.

Warrant for possession of body; investigation

**13.**—(1) Where a coroner is informed that there is in his jurisdiction the body of a person and that there is reason to believe that the person died in any of the circumstances mentioned in section 9, he shall issue his warrant to take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not an inquest is necessary. R.S.O. 1970, c. 87, s. 12 (1).

Idem

(2) Where the Chief Coroner has reason to believe that a person died in any of the circumstances mentioned in section 9 and no warrant has been issued to take possession of the body, he may issue the warrant himself or direct any coroner to do so. *New*.

Jurisdiction

(3) After the issue of the warrant, no other coroner shall issue a warrant or interfere in the case, except the Chief Coroner or except under the instructions of the Minister. R.S.O. 1970, c. 87, s. 12 (3), *amended*.

Expert assistance

(4) Subject to the approval of the Chief Coroner, a coroner may obtain assistance or retain expert services for all or any part of his investigation or inquest. R.S.O. 1970, c. 87, s. 12 (2), *amended*.



(5) A coroner may proceed with an investigation without <sup>No warrant</sup> taking possession of the body where the body has been destroyed in whole or in part or is lying in a place from which it cannot be recovered or has been removed from Ontario.  
*New.*

**14.—(1) A coroner may,**

<sup>Investigative  
powers</sup>

- (a) view or take possession of any dead body, or both; and
- (b) enter and inspect any place where a dead body is and any place from which the coroner has reasonable grounds for believing the body was removed.

(2) A coroner may, where he believes on reasonable and <sup>Idem</sup> probable grounds that to do so is necessary for the purposes of the investigation,

- (a) inspect any place in which the deceased person was, or in which the coroner has reasonable grounds to believe the deceased person was, prior to his death;
- (b) inspect and extract information from any records or writings relating to the deceased or his circumstances and to reproduce such copies therefrom as the coroner believes necessary;
- (c) seize anything that the coroner has reasonable grounds to believe is material to the purposes of the investigation.

(3) A coroner may authorize a legally qualified medical <sup>Delegation  
of powers</sup> practitioner or a police officer to exercise all or any of his powers under subsection 1.

(4) A coroner may, where in his opinion it is necessary <sup>Idem</sup> for the purposes of the investigation, authorize a legally qualified medical practitioner or a police officer to exercise all or any of his powers under clauses *a*, *b* and *c* of subsection 2 but, where such power is conditional on the belief of the coroner, the requisite belief shall be that of the coroner personally.

(5) Where a coroner seizes anything under clause *c* of <sup>Return of  
things seized</sup> subsection 2, he shall place it in the custody of a police officer for safe keeping and shall return it to the person from whom it was seized as soon as is practicable after the conclusion of the investigation or, where there is an inquest, of the inquest, unless he is authorized or required by law to dispose of it otherwise.

Obstruction  
of coroner

(6) No person shall knowingly,

(a) hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with; or

(b) furnish with false information or refuse or neglect to furnish information to,

a coroner in the performance of his duties or a person authorized by him in connection with an investigation. *New.*

Circum-  
stances of  
death  
occurring  
outside  
jurisdiction

**15.**—(1) Where a coroner has issued his warrant to take possession of a body and it appears that the death resulted from any of the circumstances mentioned in section 9 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a *post mortem* examination is required, and shall transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

Investigation  
and inquest

(2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.

Notification  
of Chief  
Coroner

(3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.

Transmitting  
results of  
first  
investigation

(4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the *post mortem* examination of the body, his signed statement setting forth briefly the result of his investigation and any written evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. R.S.O. 1970, c. 87, s. 16, *amended*.

Warrant for  
burial where  
inquest  
unnecessary

**16.**—(1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*. R.S.O. 1970, c. 87, s. 14 (1), *amended*.

R.S.O. 1970,  
c. 483

(2) Every coroner shall keep a record of the cases reported in which an inquest has been determined to be unnecessary, showing for each case the identity of the deceased and the coroner's findings of the facts as to how, when, where and by what means the deceased came by his death, including the relevant findings of the *post mortem* examination and of any other examinations or analyses of the body carried out, and such information shall be available to the spouse, parents, children, brothers and sisters of the deceased and to his personal representative, upon request. *New.* Record of investigations

**17.** Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. R.S.O. 1970, c. 87, s. 15, *amended.* Warrant for inquest

**18.** Where a coroner has reason to believe that a death has occurred in circumstances that warrant the holding of an inquest but, owing to the destruction of the body in whole or in part or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of this section, he shall report the facts to the Chief Coroner who may direct an inquest to be held touching the death, in which case an inquest shall be held by the coroner making the report or by such other coroner as the Chief Coroner directs, and the law relating to coroners and coroners' inquests applies with such modifications as are necessary in consequence of the inquest being held otherwise than on or after a view of the body. R.S.O. 1970, c. 87, s. 17, *amended.* Where body destroyed or removed from Ontario

**19.** Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. R.S.O. 1970, c. 87, s. 18, *amended.* Minister may direct coroner to hold inquest

**20.—(1)** The Minister may appoint a commissioner to conduct an inquest in place of a coroner where the Minister considers it advisable. Commissioner

Powers

(2) A commissioner appointed under subsection 1 has all the powers and duties of the coroner otherwise having jurisdiction for all purposes connected with the inquest and the coroner shall be deemed to be a person with standing at the inquest. *New.*

Direction  
by Chief  
Coroner

**21.** The Chief Coroner may direct the coroner having jurisdiction in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes. *New.*

Where  
criminal  
offence  
charged

**22.—**(1) Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

Idem

(2) Where during an inquest a person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened. R.S.O. 1970, c. 87, s. 19, *amended.*

Post mortem  
examinations  
and  
analyses

**23.—**(1) A coroner may at any time during an investigation or inquest issue his warrant for a *post mortem* examination of the body, an analysis of the blood, urine or contents of the stomach and intestines, or such other examination or analysis as the circumstances warrant.

Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing only to the coroner who issued the warrant and to the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem* and the Chief Coroner. R.S.O. 1970, c. 87, s. 24 (1, 2), *amended.*

Notice to  
Crown  
attorney

**24.—**(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or his representative shall attend the inquest and shall be deemed to be a person with standing at the inquest.

Special  
counsel

(2) The Minister may be represented at an inquest by counsel in addition to or in lieu of the Crown attorney, and such counsel has the same rights as the Crown attorney under subsection 1. R.S.O. 1970, c. 87, s. 25, *amended.*



**25.**—(1) Where an inquest is held, it shall inquire into <sup>Purposes of inquest</sup> and determine,

- (a) who the deceased was;
- (b) how the deceased came to his death;
- (c) when the deceased came to his death;
- (d) where the deceased came to his death;
- (e) by what means the deceased came to his death.

(2) The jury shall not make any finding of legal responsibility <sup>Idem</sup> or express any conclusion of law on any matter referred to in subsection 1.

(3) Subject to subsection 2, the jury may make recommenda- <sup>Recom-</sup> tions in respect of any matter arising out of the inquest. <sup>mendations</sup>

(4) A finding that contravenes subsection 2 is improper <sup>Improper</sup> and shall not be received. <sup>finding</sup>

(5) Where a jury fails to deliver a proper finding it shall <sup>Failure to make proper finding</sup> be discharged. *New.*

**26.** An inquest shall be open to the public except where <sup>Inquest public</sup> the coroner is of the opinion that national security might be endangered in which case the coroner may hold the hearing concerning any such matters *in camera*. *New.*

**27.**—(1) Except as provided in subsection 3, every inquest <sup>Juries</sup> shall be held with a jury.

(2) The number of jurors to be summoned to serve on an <sup>Jurors</sup> inquest shall be five and, where fewer than five of the jurors so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five. R.S.O. 1970, c. 87, s. 27 (1, 2).

(3) With the consent of the Chief Coroner, an inquest in a <sup>Inquest without jury in district</sup> provisional judicial district may be held without a jury. R.S.O. 1970, c. 87, s. 27 (4), *amended*.

**28.**—(1) A person shall not serve as a juror at an inquest <sup>Qualification of jurors</sup> unless he is named in the voters' list of the municipality and

marked therein as qualified to serve as a juror, nor shall a person who has acted as a juror at an inquest act in a similar capacity within one year thereafter. R.S.O. 1970, c. 87, s. 28.

**Exclusion of juror with interest** (2) The coroner presiding at an inquest may exclude a person from being sworn as a juror where the coroner believes there is a likelihood that the person, because of interest or bias, would be unable to render a verdict in accordance with the evidence. *New.*

**Disqualification** (3) An officer, employee or inmate of a hospital or an institution referred to in subsection 2 or 3 of section 9 shall not serve as a juror at an inquest upon the body of a person who died therein. R.S.O. 1970, c. 87, s. 29, *amended.*

**View of body may be dispensed with** **29.**—(1) The jury shall view the body where the coroner directs them to do so. R.S.O. 1970, c. 87, s. 30, *amended.*

**Questions by jury** (2) The jurors are entitled to ask relevant questions of each witness. *New.*

**Majority** **30.** A verdict or finding may be returned by a majority of the jurors sworn. R.S.O. 1970, c. 87, s. 31.

**Service of summonses** **31.** A summons to a juror or to a witness may be served by personal service or by sending it by registered mail addressed to the usual place of abode of the person summoned. R.S.O. 1970, c. 87, s. 32.

**Summonses** **32.**—(1) A coroner may require any person by summons,

(a) to give evidence on oath or affirmation at an inquest; and

(b) to produce in evidence at an inquest documents and things specified by the coroner,

relevant to the subject-matter of the inquest and admissible.

**Form and service of summonses** (2) A summons issued under subsection 1 shall be in Form 1 and shall be signed by the coroner.

**Bench warrants** (3) Upon proof to the satisfaction of a judge of the county or district court of the service of a summons under this section upon a person and that,

(a) such person has failed to attend or to remain in attendance at an inquest in accordance with the requirements of the summons; and

(b) his presence is material to the inquest,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought to the inquest and to be detained in custody as the judge may order until his presence as a witness at the inquest is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

(4) Service of a summons may be proved by affidavit in an application under subsection 3. Proof of service

(5) Where an application under subsection 3 is made on behalf of a coroner, the coroner may certify to the judge the facts relied on to establish that the presence of the person summoned is material for the purposes of the inquest and such certificate may be accepted by the judge as proof of such facts. *New.* Certificate of facts

**33.**—(1) On the application of any person before or during an inquest, the coroner shall designate him as a person with standing at the inquest if he finds that the person is substantially and directly interested in the inquest. Persons with standing at inquest

(2) A person designated as a person with standing at an inquest may, Rights of persons with standing at inquest

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible. *New.*

**34.**—(1) A witness at an inquest shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at an inquest shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. Protection for witnesses



Right to  
object under  
R.S.C. 1970,  
c. E-10

(2) Where it appears at any stage of the inquest that the evidence that a witness is about to give would tend to criminate him, it is the duty of the coroner and of the Crown attorney to inform the witness of his rights under section 5 of the *Canada Evidence Act*. *New*.

Rights of  
witnesses  
to counsel

**35.**—(1) A witness at an inquest is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the inquest without leave of the coroner.

Idem

(2) Where an inquest is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. *New*.

What is  
admissible  
in evidence  
at inquest

**36.**—(1) Subject to subsections 2 and 3, a coroner may admit as evidence at an inquest, whether or not admissible as evidence in a court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the purposes of the inquest and may act on such evidence, but the coroner may exclude anything unduly repetitious or anything that he considers does not meet such standards of proof as are commonly relied on by reasonably prudent men in the conduct of their own affairs and the coroner may comment on the weight that ought to be given to any particular evidence.

What is  
inadmissible  
in evidence  
at inquest

(2) Nothing is admissible in evidence at an inquest,

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by the statute under which the proceedings arise or any other statute.

Conflicts

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence.

Copies

(4) Where the coroner is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at an inquest.

Photocopies

(5) Where a document has been filed in evidence at an inquest, the coroner may, or the person producing it or

entitled to it may with the leave of the coroner, cause the document to be photocopied and the coroner may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the coroner. *New.*

**37.**—(1) The evidence upon an inquest or any part of it shall be recorded by a person appointed by the coroner and approved by the Crown attorney and who before acting shall make oath or affirmation that he will truly and faithfully record the evidence. <sup>Taking evidence</sup>

(2) It is not necessary to transcribe the evidence unless the Minister, Chief Coroner or Crown attorney orders it to be done or unless any other person requests a copy of the transcript and pays the fees therefor except that the coroner may prohibit the transcribing of all or any part of evidence taken *in camera*. R.S.O. 1970, c. 87, s. 33, *amended*. <sup>Transcription of evidence</sup>

**38.** An inquest may be adjourned from time to time by the coroner of his own motion or where it is shown to the satisfaction of the coroner that the adjournment is required to permit an adequate hearing to be held. *New.* <sup>Adjournments</sup>

**39.** A coroner may make such orders or give such directions at an inquest as he considers necessary for the maintenance of order at an inquest, and, if any person disobeys or fails to comply with any such order or direction, the coroner may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose. *New.* <sup>Maintenance of order at inquest</sup>

**40.**—(1) A coroner may, and if required by the Crown attorney or requested by the witness shall, employ a person to act as interpreter for a witness at an inquest, and such person may be summoned to attend the inquest and before acting shall make oath or affirm that he will truly and faithfully translate the evidence. <sup>Interpreters</sup>

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest, and, before acting, every such constable shall make oath or affirm that he will faithfully perform his duties. R.S.O. 1970, c. 87, ss. 34, 35, *amended*. <sup>Constables</sup>

**41.** The coroner conducting an inquest has power to administer oaths and affirmations for the purpose of the inquest. *New.* <sup>Administration of oaths</sup>

Abuse of  
processes

**42.—**(1) A coroner may make such orders or give such directions at an inquest as he considers proper to prevent abuse of its processes.

Limitation  
on cross-  
examination

(2) A coroner may reasonably limit further cross-examination of a witness where he is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

Exclusion  
of agents

(3) A coroner may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent advising a witness if he finds that such person is not competent properly to advise the witness or does not understand and comply at the inquest with the duties and responsibilities of an adviser. *New.*

Contempt  
proceedings

**43.** Where any person without lawful excuse,

- (a) on being duly summoned as a witness or a juror at an inquest makes default in attending at the inquest; or
- (b) being in attendance as a witness at an inquest, refuses to take an oath or to make an affirmation legally required by the coroner to be taken or made, or to produce any document or thing in his power or control legally required by the coroner to be produced by him or to answer any question to which the coroner may legally require an answer; or
- (c) does any other thing that would, if the inquest had been a court of law having power to commit for contempt have been contempt of that court,

the coroner may state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the coroner inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Return of  
verdict

**44.** The coroner shall forthwith, after an inquest, return the verdict or finding, with the evidence where the Minister, Crown attorney or Chief Coroner has ordered it to be transcribed to the Chief Coroner, and shall transmit a copy of the verdict and recommendations to the Crown attorney. R.S.O. 1970, c. 87, s. 36, *amended.*

**45.** In proceedings under this Act, it is not necessary for a person to affix a seal to a document, and no document is invalidated by reason of the lack of a seal, even though the document purports to be sealed. R.S.O. 1970, c. 87, s. 40. <sup>Seals not necessary</sup>

**46.** Any person who contravenes sections 9, 10, 12 or sub-section 6 of section 14 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 87, s. 11, *amended*. <sup>Penalty</sup>

**47.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) prescribing powers and duties of the Chief Coroner;
  - (b) prescribing fees for coroners for services performed under this or any other Act;
  - (c) prescribing fees and allowances that shall be paid to persons rendering services in connection with coroners' investigations and inquests and providing for the adjustment of such fees in special circumstances;
  - (d) prescribing matters that may be grounds for disqualification because of interest or bias of jurors for the purposes of subsection 2 of section 28;
  - (e) prescribing forms and providing for their use;
  - (f) prescribing additional rules of procedure for inquests.
- R.S.O. 1970, c. 87, s. 41, *amended*.

**48.**—(1) *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, is repealed. <sup>R.S.O. 1970, c. 87, repealed</sup>

(2) Section 93 of *The Government Reorganization Act, 1972*, being chapter 1, is repealed. <sup>1972 Act, amended</sup>

**49.** This Act shall not be held or construed to be a re-enactment of *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, but a reference in any other Act or in any rule, order or regulation made thereunder to such Act shall be held and construed to be a reference to the provisions of this Act relating to the same subject-matter and if there is no provision in this Act relating to the same subject-matter, the repealed Act stands good and shall be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to the Act, rule, order or regulation in which the reference is made. <sup>This Act not a re-enactment</sup>



- Application**      **50.** This Act does not apply in respect of deaths for which a warrant for an investigation or inquest has been issued before this Act comes into force.
- Commence-  
ment**              **51.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title**        **52.** This Act may be cited as *The Coroners Act, 1972*.

## FORM 1

(Section 32 (2))

*The Coroners Act, 1972*

## SUMMONS TO A WITNESS BEFORE an Inquest

RE: \_\_\_\_\_, deceased

TO:

You are hereby summoned and required to attend before an inquest  
to be held

at ..... in the ..... of .....

on ..... day, the ..... day of .....

19....., at the hour of ..... o'clock in the ..... noon (local  
time), and so from day to day until the inquest is concluded or the coroner  
otherwise orders, to give evidence on oath touching the matters in  
question in the proceedings and to bring with you and produce at such time

and place .....

.....

.....

Dated this ..... day of ....., 19.....

.....  
Coroner

## NOTE:

If you fail to attend and give evidence at the inquest, or to produce the  
documents or things specified, at the time and place specified, without  
lawful excuse, you are liable to punishment by a judge of the county or  
district court in the same manner as if for contempt of that court for  
disobedience to a subpoena.

## FORM 2

(Section 32 (3))

## BENCH WARRANT

## PROVINCE OF ONTARIO

TO: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned  
to appear before an inquest into the death of .....  
deceased, at Toronto (*or as the case may be*) on the .....  
day of ....., 19.....; that the presence of the said C.D. is  
material to the inquest, and that the said C.D. has failed to attend in  
accordance with the requirements of the summons.



THESE are therefore to command you to take the said C.D. to bring and have him before the said inquest at Toronto (*or as the case may be*) there to testify what he may know concerning the matters in question in the said inquest, and that you detain him in your custody until he has given his evidence or until the said inquest has ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of.....,  
19...., at.....

.....  
Judge of the County (District) Court  
of the County (District) of.....



The Coroners Act, 1972

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*1st Reading*

May 25th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. J. YAREMKO  
Solicitor General

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*(Government Bill)*

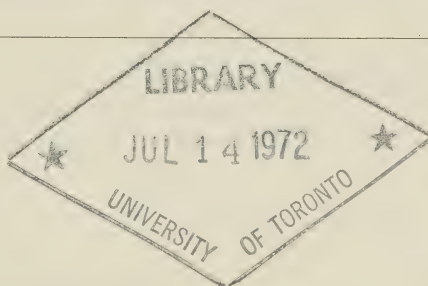
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3 56

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**The Coroners Act, 1972**

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*(Reprinted as amended by the Administration of Justice Committee)*

TORONTO

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#### EXPLANATORY NOTE

The Bill is a new Coroners Act implementing the recommendations of the Ontario Law Reform Commission contained in its Report on the Coroner System in Ontario, 1971. The principal changes include,

1. The repeal of the functions, powers and duties of coroners at common law and the creation of a coroners system that is entirely statutory with all the powers and duties set out in the Act.
2. Provision for persons with direct interest in the inquest to be represented by counsel and participate in the adducing of evidence.
3. Clarification of the rights of witnesses and of the rules and procedures for adducing evidence.
4. Clarification of the function of an inquest and verdicts.
5. The creation of a Coroners' Council for the purpose of maintaining standards of performance of coroners.
6. Provision for a code of ethics for coroners.

## BILL 142

1972

**The Coroners Act, 1972**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

(a) "Chief Coroner" means the Chief Coroner for Ontario;

(b) "Minister" means the Solicitor General. *New.*

**2.**—(1) In so far as it is within the jurisdiction of the Legislature, the common law as it relates to the functions, powers and duties of coroners within Ontario is repealed.

Repeal of  
common law  
functions

(2) The powers conferred on a coroner to conduct an inquest shall not be construed as creating a criminal court of record. *New.*

Inquest not  
criminal  
court of  
record

**3.**—(1) The Lieutenant Governor in Council may appoint one or more legally qualified medical practitioners to be coroners for any part of Ontario who, subject to subsections 2, 3 and 4, shall hold office during pleasure.

Appointment  
of coroners

(2) A coroner ceases to hold office,

Tenure

(a) upon attaining the age of seventy years; or

(b) where he is a member of the College of Physicians and Surgeons of Ontario, upon the erasure of his name from the register under *The Medical Act*.

R.S.O. 1970,  
c. 268

(3) The appointment of a coroner who is a member of the College of Physicians and Surgeons is suspended during any period that his registration is suspended under *The Medical Act*. R.S.O. 1970, c. 87, s. 1.

Suspension

(4) A coroner may resign his office in writing.

Resignation



Residential  
areas

(5) The Lieutenant Governor in Council may by regulation establish areas of Ontario and the appointment and continuation in office of a coroner is subject to the condition that he is ordinarily resident in the area named in the appointment. *New.*

Appoint-  
ments to  
be filed

(6) A certified copy of the order appointing a coroner shall be sent by the Minister to the clerk of the peace of the county or district in which the coroner is to act, and shall be filed by him in his office. R.S.O. 1970, c. 87, s. 4.

Appoint-  
ments under  
R.S.O. 1970,  
c. 87,  
continued

(7) All persons holding appointments as coroners under *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, shall be deemed to have been appointed in accordance with the provisions of this Act. *New.*

Chief  
Coroner  
and duties

4. The Lieutenant Governor in Council may appoint a coroner to be Chief Coroner for Ontario who shall,

- (a) administer this Act and the regulations;
- (b) supervise, direct and control all coroners in Ontario in the performance of their duties;
- (c) conduct programs for the instruction of coroners in their duties;
- (d) bring the findings and recommendations of coroners' juries to the attention of appropriate persons, agencies and ministries of government;
- (e) prepare, publish and distribute a code of ethics for the guidance of coroners;
- (f) perform such other duties as are assigned to him by or under this or any other Act or by the regulations or by the Lieutenant Governor in Council. R.S.O. 1970, c. 87, s. 2 (1), *amended.*

Regional  
coroners

5.—(1) The Lieutenant Governor in Council may appoint a coroner as a regional coroner for such region of Ontario as is described in the appointment.

## Duties

(2) A regional coroner shall assist the Chief Coroner in the performance of his duties in the region and shall perform such other duties as are assigned to him by the Chief Coroner. *New.*

Coroners'  
Council

6.—(1) There shall be a Coroners' Council composed of the Chief Judge of the County and District Courts and not

more than four other persons appointed by the Lieutenant Governor in Council, of whom at least one shall be a legally qualified medical practitioner.

(2) Such officers and employees of the Coroners' Council as <sup>Staff</sup> are considered necessary shall be appointed under *The Public Service Act.* <sup>R.S.O. 1970, c. 386</sup>

(3) A majority of the members of the Coroners' Council <sup>Quorum</sup> constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Coroners' Council. *New.*

**7.—**(1) The functions of the Coroners' Council are, <sup>Functions of Council</sup>

- (a) to review and recommend to the Minister the termination of the appointments of coroners who are not actively performing the duties of coroners;
- (b) to receive complaints respecting the misbehaviour or incompetence of or neglect of duty by coroners or the inability of coroners to perform their duties; and
- (c) to take such action to investigate complaints as it considers advisable including the review thereof with the coroner where appropriate, and, after giving the coroner an opportunity to be heard, to make such recommendations to the Minister with respect thereto as it sees fit.

(2) For the purposes of an investigation under this section, <sup>Powers</sup> the Coroners' Council has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies <sup>1971, c. 49</sup> to the investigation as if it were an inquiry under that Act.

(3) No action or other proceeding for damages shall be <sup>Protection from liability</sup> instituted against the Coroners' Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty. *New.*

**8.** Subject to subsection 3 of section 13, a provincial <sup>Authority for judge to act as coroner</sup> judge in a provisional judicial district may perform any of the duties and exercise any of the powers of a coroner in the district in the absence of a coroner. R.S.O. 1970, c. 87, s. 6, *amended.*

**9.—**(1) Every person who has reason to believe that a <sup>Duty to give information</sup> deceased person died,

- (a) as a result of,

- i. violence,
- ii. misadventure,
- iii. negligence,
- iv. misconduct, or
- v. malpractice;

(b) by unfair means;

(c) during pregnancy or following pregnancy in circumstances that might reasonably be attributable thereto;

(d) suddenly and unexpectedly;

(e) from disease or sickness for which he was not treated by a legally qualified medical practitioner;

(f) from any cause other than disease; or

(g) under such circumstances as may require investigation,

shall immediately notify a coroner or a police officer of the facts and circumstances relating to the death, and where a police officer is notified he shall in turn immediately notify the coroner of such facts and circumstances.

Deaths to  
be reported

(2) Where a person dies while resident or an in-patient in,

R.S.O. 1970,  
c. 62

(a) a charitable institution as defined in *The Charitable Institutions Act*;

R.S.O. 1970,  
c. 66

(b) a children's boarding home as defined in *The Children's Boarding Homes Act*;

R.S.O. 1970,  
c. 66

(c) a children's institution as defined in *The Children's Institutions Act*;

R.S.O. 1970,  
c. 206

(d) a home for the aged to which *The Homes for the Aged and Rest Homes Act* applies;

R.S.O. 1970,  
c. 204

(e) a home for retarded persons as defined in *The Homes for Retarded Persons Act*;

R.S.O. 1970,  
c. 269

(f) a psychiatric facility designated under *The Mental Health Act*;

R.S.O. 1970,  
c. 270

(g) an institution under *The Mental Hospitals Act*;

- (h) a nursing home to which *The Nursing Homes Act*, R.S.O. 1970, c. 302, 1972 applies;
- (i) a children's mental health centre under *The Children's Mental Health Centres Act*, R.S.O. 1970, c. 68;
- (j) a public or private hospital to which the person was transferred from a hospital, institution or home referred to in clauses *a* to *i*,

the person in charge of the hospital, institution or home shall immediately give notice of the death to a coroner, and the coroner shall investigate the circumstances of the death and, if as a result of the investigation he is of the opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body. R.S.O. 1970, c. 87, s. 22.

- (3) Where a person dies while he is, Inmate off premises
  - (a) a patient of a psychiatric facility;
  - (b) committed to a correctional institution; or
  - (c) a ward of a training school,

but while not on the premises or in actual custody thereof, subsections 1 and 2 apply as if the person were a resident of an institution named therein. *New.*

- (4) Where a person dies while detained by or in the actual custody of a peace officer or while an inmate on the premises of a correctional institution, lock-up or training school, the peace officer or officer in charge of the institution, lock-up or training school, as the case may be, shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body. R.S.O. 1970, c. 87, s. 23, *amended.* Persons in custody

- (5) A statement as to the notification or non-notification of a coroner under this section, purporting to be certified by the coroner, is, without proof of the appointment or signature of the coroner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 87, s. 7 (2). Certificate as evidence

**10.** No person who has reason to believe that a person died in any of the circumstances mentioned in section 9 shall interfere with or alter the body or its condition in any way until the coroner so directs. R.S.O. 1970, c. 87, s. 9, *amended.* Interference with body

**11.—(1)** Where a coroner has issued his warrant to take possession of the body of a person who has met death by Power of coroner to take charge of wreckage



violence in a wreck, the coroner may, with the approval of the Chief Coroner, take charge of the wreckage and place one or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he considers necessary.

View to be expedited (2) The jury or coroner, as the case may be, shall view the wreckage at the earliest moment possible. R.S.O. 1970, c. 87, s. 21, *amended*.

Shipment of bodies outside Ontario **12.**—(1) No person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

Fee for certificate (2) An applicant for a certificate under subsection 1 shall pay to the coroner such fee as is prescribed therefor.

Embalming, etc., prohibited (3) No person who has reason to believe that a dead body will be shipped or taken to a place outside Ontario shall embalm or make any alteration to the body or apply any chemical to the body, internally or externally, until the certificate required by subsection 1 has been issued. R.S.O. 1970, c. 87, s. 10, *amended*.

Warrant for possession of body; investigation **13.**—(1) Where a coroner is informed that there is in his jurisdiction the body of a person and that there is reason to believe that the person died in any of the circumstances mentioned in section 9, he shall issue his warrant to take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not an inquest is necessary. R.S.O. 1970, c. 87, s. 12 (1).

Idem (2) Where the Chief Coroner has reason to believe that a person died in any of the circumstances mentioned in section 9 and no warrant has been issued to take possession of the body, he may issue the warrant himself or direct any coroner to do so. *New*.

Jurisdiction (3) After the issue of the warrant, no other coroner shall issue a warrant or interfere in the case, except the Chief Coroner or except under the instructions of the Minister. R.S.O. 1970, c. 87, s. 12 (3), *amended*.

Expert assistance (4) Subject to the approval of the Chief Coroner, a coroner may obtain assistance or retain expert services for all or any part of his investigation or inquest. R.S.O. 1970, c. 87, s. 12 (2), *amended*.

(5) A coroner may proceed with an investigation without <sup>No warrant</sup> taking possession of the body where the body has been destroyed in whole or in part or is lying in a place from which it cannot be recovered or has been removed from Ontario.  
*New.*

**14.—(1)** A coroner may,

<sup>Investigative  
powers</sup>

- (a) view or take possession of any dead body, or both;  
and
- (b) enter and inspect any place where a dead body is and any place from which the coroner has reasonable grounds for believing the body was removed.

(2) A coroner may, where he believes on reasonable and <sup>Idem</sup> probable grounds that to do so is necessary for the purposes of the investigation,

- (a) inspect any place in which the deceased person was, or in which the coroner has reasonable grounds to believe the deceased person was, prior to his death;
- (b) inspect and extract information from any records or writings relating to the deceased or his circumstances and to reproduce such copies therefrom as the coroner believes necessary;
- (c) seize anything that the coroner has reasonable grounds to believe is material to the purposes of the investigation.

(3) A coroner may authorize a legally qualified medical practitioner or a police officer to exercise all or any of his <sup>Delegation  
of powers</sup> powers under subsection 1.

(4) A coroner may, where in his opinion it is necessary <sup>Idem</sup> for the purposes of the investigation, authorize a legally qualified medical practitioner or a police officer to exercise all or any of his powers under clauses *a*, *b* and *c* of subsection 2 but, where such power is conditional on the belief of the coroner, the requisite belief shall be that of the coroner personally.

(5) Where a coroner seizes anything under clause *c* of <sup>Return of  
things seized</sup> subsection 2, he shall place it in the custody of a police officer for safe keeping and shall return it to the person from whom it was seized as soon as is practicable after the conclusion of the investigation or, where there is an inquest, of the inquest, unless he is authorized or required by law to dispose of it otherwise.



Obstruction  
of coroner

(6) No person shall knowingly,

(a) hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with; or

(b) furnish with false information or refuse or neglect to furnish information to,

a coroner in the performance of his duties or a person authorized by him in connection with an investigation. *New.*

Circum-  
stances of  
death  
occurring  
outside  
jurisdiction

**15.**—(1) Where a coroner has issued his warrant to take possession of a body and it appears that the death resulted from any of the circumstances mentioned in section 9 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a *post mortem* examination is required, and shall transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

Investigation  
and inquest

(2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.

Notification  
of Chief  
Coroner

(3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.

Transmitting  
results of  
first  
investigation

(4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the *post mortem* examination of the body, his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. R.S.O. 1970, c. 87, s. 16, *amended*.

Warrant for  
burial where  
inquest  
unnecessary

**16.**—(1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*. R.S.O. 1970, c. 87, s. 14 (1), *amended*.

R.S.O. 1970,  
c. 483

(2) Every coroner shall keep a record of the cases reported in which an inquest has been determined to be unnecessary, showing for each case the identity of the deceased and the coroner's findings of the facts as to how, when, where and by what means the deceased came by his death, including the relevant findings of the *post mortem* examination and of any other examinations or analyses of the body carried out, and such information shall be available to the spouse, parents, children, brothers and sisters of the deceased and to his personal representative, upon request. *New.*

Record of investigations

**17.** Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. R.S.O. 1970, c. 87, s. 15, *amended.*

Warrant for inquest

**18.** Where a coroner has reason to believe that a death has occurred in circumstances that warrant the holding of an inquest but, owing to the destruction of the body in whole or in part or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of this section, he shall report the facts to the Chief Coroner who may direct an inquest to be held touching the death, in which case an inquest shall be held by the coroner making the report or by such other coroner as the Chief Coroner directs, and the law relating to coroners and coroners' inquests applies with such modifications as are necessary in consequence of the inquest being held otherwise than on or after a view of the body. R.S.O. 1970, c. 87, s. 17, *amended.*

Where body destroyed or removed from Ontario

**19.** Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. R.S.O. 1970, c. 87, s. 18, *amended.*

Minister may direct coroner to hold inquest

**20.—(1)** The Minister may appoint a commissioner to conduct an inquest in place of a coroner where the Minister considers it advisable.

Commissioner

## Powers

(2) A commissioner appointed under subsection 1 has all the powers and duties of the coroner otherwise having jurisdiction for all purposes connected with the inquest and the coroner shall be deemed to be a person with standing at the inquest. *New.*

Direction  
by Chief  
Coroner

**21.** The Chief Coroner may direct the coroner having jurisdiction in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes. *New.*

Where  
criminal  
offence  
charged

**22.—**(1) Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

## Idem

(2) Where during an inquest a person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened. R.S.O. 1970, c. 87, s. 19, *amended.*

Post mortem  
examinations  
and  
analyses

**23.—**(1) A coroner may at any time during an investigation or inquest issue his warrant for a *post mortem* examination of the body, an analysis of the blood, urine or contents of the stomach and intestines, or such other examination or analysis as the circumstances warrant.

## Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing to the coroner who issued the warrant, to the Crown attorney and to the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem* and the Chief Coroner. R.S.O. 1970, c. 87, s. 24 (1, 2), *amended.*

Notice to  
Crown  
attorney

**24.—**(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or his representative shall attend the inquest and shall be deemed to be a person with standing at the inquest.

Special  
counsel

(2) The Minister may be represented at an inquest by counsel in addition to or in lieu of the Crown attorney, and such counsel has the same rights as the Crown attorney under subsection 1. R.S.O. 1970, c. 87, s. 25, *amended.*

**25.**—(1) Where an inquest is held, it shall inquire into <sup>Purposes of inquest</sup> and determine,

- (a) who the deceased was;
- (b) how the deceased came to his death;
- (c) when the deceased came to his death;
- (d) where the deceased came to his death; and
- (e) by what means the deceased came to his death.

(2) The jury shall not make any finding of legal responsibility or express any conclusion of law on any matter referred to in subsection 1. <sup>Idem</sup>

(3) Subject to subsection 2, the jury may make recommendations in respect of any matter arising out of the inquest. <sup>Recommendations</sup>

(4) A finding that contravenes subsection 2 is improper and shall not be received. <sup>Improper finding</sup>

(5) Where a jury fails to deliver a proper finding it shall be discharged. *New.* <sup>Failure to make proper finding</sup>

**26.** An inquest shall be open to the public except where the coroner is of the opinion that national security might be endangered or where a person is charged with an indictable offence under the Criminal Code (Canada) in which cases <sup>Inquest public R.S.C. 1970, c. C-34</sup> the coroner may hold the hearing concerning any such matters *in camera.* *New.*

**27.**—(1) Except as provided in subsection 3, every inquest <sup>Juries</sup> shall be held with a jury.

(2) The number of jurors to be summoned to serve on an <sup>Jurors</sup> inquest shall be five and, where fewer than five of the jurors so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five. R.S.O. 1970, c. 87, s. 27 (1, 2).

(3) With the consent of the Chief Coroner, an inquest in a <sup>Inquest without jury in district</sup> provisional judicial district may be held without a jury. R.S.O. 1970, c. 87, s. 27 (4), *amended.*

**28.**—(1) A person shall not serve as a juror at an inquest <sup>Qualification of jurors</sup> unless he is named in the voters' list of the municipality and



marked therein as qualified to serve as a juror, nor shall a person who has acted as a juror at an inquest act in a similar capacity within one year thereafter. R.S.O. 1970, c. 87, s. 28.

**Exclusion of juror with interest** (2) The coroner presiding at an inquest may exclude a person from being sworn as a juror where the coroner believes there is a likelihood that the person, because of interest or bias, would be unable to render a verdict in accordance with the evidence. *New.*

**Disqualification** (3) An officer, employee or inmate of a hospital or an institution referred to in subsection 2 or 3 of section 9 shall not serve as a juror at an inquest upon the body of a person who died therein. R.S.O. 1970, c. 87, s. 29, *amended.*

**View of body may be dispensed with** **29.**—(1) The jury shall view the body where the coroner directs them to do so. R.S.O. 1970, c. 87, s. 30, *amended.*

**Questions by jury** (2) The jurors are entitled to ask relevant questions of each witness. *New.*

**Majority** **30.** A verdict or finding may be returned by a majority of the jurors sworn. R.S.O. 1970, c. 87, s. 31.

**Service of summonses** **31.** A summons to a juror or to a witness may be served by personal service or by sending it by registered mail addressed to the usual place of abode of the person summoned. R.S.O. 1970, c. 87, s. 32.

**Summonses** **32.**—(1) A coroner may require any person by summons,

(a) to give evidence on oath or affirmation at an inquest; and

(b) to produce in evidence at an inquest documents and things specified by the coroner,

relevant to the subject-matter of the inquest and admissible.

**Form and service of summonses** (2) A summons issued under subsection 1 shall be in Form 1 and shall be signed by the coroner.

**Bench warrants** (3) Upon proof to the satisfaction of a judge of the county or district court of the service of a summons under this section upon a person and that,

(a) such person has failed to attend or to remain in attendance at an inquest in accordance with the requirements of the summons; and

(b) his presence is material to the inquest,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought to the inquest and to be detained in custody as the judge may order until his presence as a witness at the inquest is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

(4) Service of a summons may be proved by affidavit in an application under subsection 3. Proof of service

(5) Where an application under subsection 3 is made on behalf of a coroner, the coroner may certify to the judge the facts relied on to establish that the presence of the person summoned is material for the purposes of the inquest and such certificate may be accepted by the judge as proof of such facts. *New.* Certificate of facts

**33.**—(1) On the application of any person before or during an inquest, the coroner shall designate him as a person with standing at the inquest if he finds that the person is substantially and directly interested in the inquest. Persons with standing at inquest

(2) A person designated as a person with standing at an inquest may, Rights of persons with standing at inquest

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible. *New.*

**34.**—(1) A witness at an inquest shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at an inquest shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. Protection for witnesses



Right to  
object under  
R.S.C. 1970,  
c. E-10

(2) Where it appears at any stage of the inquest that the evidence that a witness is about to give would tend to criminate him, it is the duty of the coroner and of the Crown attorney to inform the witness of his rights under section 5 of the *Canada Evidence Act*. *New*.

Rights of  
witnesses  
to counsel

**35.**—(1) A witness at an inquest is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the inquest without leave of the coroner.

Idem

(2) Where an inquest is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. *New*.

What is  
admissible  
in evidence  
at inquest

**36.**—(1) Subject to subsections 2 and 3, a coroner may admit as evidence at an inquest, whether or not admissible as evidence in a court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the purposes of the inquest and may act on such evidence, but the coroner may exclude anything unduly repetitious or anything that he considers does not meet such standards of proof as are commonly relied on by reasonably prudent men in the conduct of their own affairs and the coroner may comment on the weight that ought to be given to any particular evidence.

What is  
inadmissible  
in evidence  
at inquest

(2) Nothing is admissible in evidence at an inquest,

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by the statute under which the proceedings arise or any other statute.

Conflicts

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence.

Copies

(4) Where the coroner is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at an inquest.

Photocopies

(5) Where a document has been filed in evidence at an inquest, the coroner may, or the person producing it or

entitled to it may with the leave of the coroner, cause the document to be photocopied and the coroner may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the coroner. *New.*

**37.**—(1) The evidence upon an inquest or any part of it shall be recorded by a person appointed by the coroner and approved by the Crown attorney and who before acting shall make oath or affirmation that he will truly and faithfully record the evidence. <sup>Taking evidence</sup>

(2) It is not necessary to transcribe the evidence unless the Minister, Chief Coroner or Crown attorney orders it to be done or unless any other person requests a copy of the transcript and pays the fees therefor except that the coroner may prohibit the transcribing of all or any part of evidence taken *in camera*. R.S.O. 1970, c. 87, s. 33, *amended*. <sup>Transcription of evidence</sup>

**38.** An inquest may be adjourned from time to time by the coroner of his own motion or where it is shown to the satisfaction of the coroner that the adjournment is required to permit an adequate hearing to be held. *New.* <sup>Adjournments</sup>

**39.** A coroner may make such orders or give such directions at an inquest as he considers necessary for the maintenance of order at an inquest, and, if any person disobeys or fails to comply with any such order or direction, the coroner may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose. *New.* <sup>Maintenance of order at inquest</sup>

**40.**—(1) A coroner may, and if required by the Crown attorney or requested by the witness shall, employ a person to act as interpreter for a witness at an inquest, and such person may be summoned to attend the inquest and before acting shall make oath or affirm that he will truly and faithfully translate the evidence. <sup>Interpreters</sup>

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest, and, before acting, every such constable shall make oath or affirm that he will faithfully perform his duties. R.S.O. 1970, c. 87, ss. 34, 35, *amended*. <sup>Constables</sup>

**41.** The coroner conducting an inquest has power to administer oaths and affirmations for the purpose of the inquest. *New.* <sup>Administration of oaths</sup>

Abuse of  
processes

**42.**—(1) A coroner may make such orders or give such directions at an inquest as he considers proper to prevent abuse of its processes.

Limitation  
on cross-  
examination

(2) A coroner may reasonably limit further cross-examination of a witness where he is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

Exclusion  
of agents

(3) A coroner may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent advising a witness if he finds that such person is not competent properly to advise the witness or does not understand and comply at the inquest with the duties and responsibilities of an adviser. *New.*

Contempt  
proceedings

**43.** Where any person without lawful excuse,

- (a) on being duly summoned as a witness or a juror at an inquest makes default in attending at the inquest; or
- (b) being in attendance as a witness at an inquest, refuses to take an oath or to make an affirmation legally required by the coroner to be taken or made, or to produce any document or thing in his power or control legally required by the coroner to be produced by him or to answer any question to which the coroner may legally require an answer; or
- (c) does any other thing that would, if the inquest had been a court of law having power to commit for contempt have been contempt of that court,

the coroner may state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the coroner inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Return of  
verdict

**44.** The coroner shall forthwith, after an inquest, return the verdict or finding, with the evidence where the Minister, Crown attorney or Chief Coroner has ordered it to be transcribed to the Chief Coroner, and shall transmit a copy of the verdict and recommendations to the Crown attorney. R.S.O. 1970, c. 87, s. 36, *amended.*

**45.** In proceedings under this Act, it is not necessary for a person to affix a seal to a document, and no document is invalidated by reason of the lack of a seal, even though the document purports to be sealed. R.S.O. 1970, c. 87, s. 40. Seals not necessary

**46.** Any person who contravenes sections 9, 10, 12 or sub-section 6 of section 14 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 87, s. 11, *amended*. Penalty

**47.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing powers and duties of the Chief Coroner;
  - (b) prescribing fees for coroners for services performed under this or any other Act;
  - (c) prescribing fees and allowances that shall be paid to persons rendering services in connection with coroners' investigations and inquests and providing for the adjustment of such fees in special circumstances;
  - (d) prescribing matters that may be grounds for disqualification because of interest or bias of jurors for the purposes of subsection 2 of section 28;
  - (e) prescribing forms and providing for their use;
  - (f) prescribing additional rules of procedure for inquests.
- R.S.O. 1970, c. 87, s. 41, *amended*.

**48.—(1)** *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 87, repealed

(2) Section 93 of *The Government Reorganization Act, 1972*, being chapter 1, is repealed. 1972 Act, amended

**49.** This Act shall not be held or construed to be a re-enactment of *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, but a reference in any other Act or in any rule, order or regulation made thereunder to such Act shall be held and construed to be a reference to the provisions of this Act relating to the same subject-matter and if there is no provision in this Act relating to the same subject-matter, the repealed Act stands good and shall be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to the Act, rule, order or regulation in which the reference is made. This Act not a re-enactment

- Application**      **50.** This Act does not apply in respect of deaths for which a warrant for an investigation or inquest has been issued before this Act comes into force.
- Commence-  
ment**              **51.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title**        **52.** This Act may be cited as *The Coroners Act, 1972*.



## FORM 1

(Section 32 (2))

*The Coroners Act, 1972*

## SUMMONS TO A WITNESS BEFORE an Inquest

RE: \_\_\_\_\_, deceased

TO:

You are hereby summoned and required to attend before an inquest  
to be held

at.....in the.....of.....

on.....day, the.....day of.....

19....., at the hour of.....o'clock in the.....noon (local  
time), and so from day to day until the inquest is concluded or the coroner  
otherwise orders, to give evidence on oath touching the matters in  
question in the proceedings and to bring with you and produce at such time

and place.....

.....

.....

Dated this.....day of....., 19.....

.....  
Coroner

## NOTE:

If you fail to attend and give evidence at the inquest, or to produce the  
documents or things specified, at the time and place specified, without  
lawful excuse, you are liable to punishment by a judge of the county or  
district court in the same manner as if for contempt of that court for  
disobedience to a subpoena.

## FORM 2

(Section 32 (3))

## BENCH WARRANT

## PROVINCE OF ONTARIO

TO: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned  
to appear before an inquest into the death of.....

deceased, at Toronto (*or as the case may be*) on the.....

day of....., 19.....; that the presence of the said C.D. is  
material to the inquest, and that the said C.D. has failed to attend in  
accordance with the requirements of the summons.



THESE are therefore to command you to take the said C.D. to bring and have him before the said inquest at Toronto (*or as the case may be*) there to testify what he may know concerning the matters in question in the said inquest, and that you detain him in your custody until he has given his evidence or until the said inquest has ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of.....,

19...., at.....

.....  
Judge of the County (District) Court

of the County (District) of.....



The Coroners Act, 1972

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*1st Reading*

May 25th, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

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THE HON. J. YAREMKO  
Solicitor General

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*(Reprinted as amended by the  
Administration of Justice Committee)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## The Coroners Act, 1972

THE HON. J. YAREMKO  
Solicitor General





## The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Chief Coroner" means the Chief Coroner for Ontario;

(b) "Minister" means the Solicitor General. *New.*

**2.**—(1) In so far as it is within the jurisdiction of the Legislature, the common law as it relates to the functions, powers and duties of coroners within Ontario is repealed.

Repeal of  
common law  
functions

(2) The powers conferred on a coroner to conduct an inquest shall not be construed as creating a criminal court of record. *New.*

Inquest not  
criminal  
court of  
record

**3.**—(1) The Lieutenant Governor in Council may appoint one or more legally qualified medical practitioners to be coroners for any part of Ontario who, subject to subsections 2, 3 and 4, shall hold office during pleasure.

Appointment  
of coroners

(2) A coroner ceases to hold office,

Tenure

(a) upon attaining the age of seventy years; or

(b) where he is a member of the College of Physicians and Surgeons of Ontario, upon the erasure of his name from the register under *The Medical Act*.

R.S.O. 1970,  
c. 268

(3) The appointment of a coroner who is a member of the College of Physicians and Surgeons is suspended during any period that his registration is suspended under *The Medical Act*. R.S.O. 1970, c. 87, s. 1.

Suspension

(4) A coroner may resign his office in writing.

Resignation



**Residential  
areas**

(5) The Lieutenant Governor in Council may by regulation establish areas of Ontario and the appointment and continuation in office of a coroner is subject to the condition that he is ordinarily resident in the area named in the appointment. *New.*

**Appoint-  
ments to  
be filed**

(6) A certified copy of the order appointing a coroner shall be sent by the Minister to the clerk of the peace of the county or district in which the coroner is to act, and shall be filed by him in his office. R.S.O. 1970, c. 87, s. 4.

**Appoint-  
ments under  
R.S.O. 1970,  
c. 87,  
continued**

(7) All persons holding appointments as coroners under *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, shall be deemed to have been appointed in accordance with the provisions of this Act. *New.*

**Chief  
Coroner  
and duties**

**4.** The Lieutenant Governor in Council may appoint a coroner to be Chief Coroner for Ontario who shall,

- (a) administer this Act and the regulations;
- (b) supervise, direct and control all coroners in Ontario in the performance of their duties;
- (c) conduct programs for the instruction of coroners in their duties;
- (d) bring the findings and recommendations of coroners' juries to the attention of appropriate persons, agencies and ministries of government;
- (e) prepare, publish and distribute a code of ethics for the guidance of coroners;
- (f) perform such other duties as are assigned to him by or under this or any other Act or by the regulations or by the Lieutenant Governor in Council. R.S.O. 1970, c. 87, s. 2 (1), *amended.*

**Regional  
coroners**

**5.—(1)** The Lieutenant Governor in Council may appoint a coroner as a regional coroner for such region of Ontario as is described in the appointment.

**Duties**

(2) A regional coroner shall assist the Chief Coroner in the performance of his duties in the region and shall perform such other duties as are assigned to him by the Chief Coroner. *New.*

**Coroners'  
Council**

**6.—(1)** There shall be a Coroners' Council composed of the Chief Judge of the County and District Courts and not

more than four other persons appointed by the Lieutenant Governor in Council, of whom at least one shall be a legally qualified medical practitioner.

(2) Such officers and employees of the Coroners' Council as <sup>Staff</sup> are considered necessary shall be appointed under *The Public Service Act*. <sup>R.S.O. 1970, c. 386</sup>

(3) A majority of the members of the Coroners' Council <sup>Quorum</sup> constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Coroners' Council. *New.*

**7.**—(1) The functions of the Coroners' Council are, <sup>Functions of Council</sup>

- (a) to review and recommend to the Minister the termination of the appointments of coroners who are not actively performing the duties of coroners;
- (b) to receive complaints respecting the misbehaviour or incompetence of or neglect of duty by coroners or the inability of coroners to perform their duties; and
- (c) to take such action to investigate complaints as it considers advisable including the review thereof with the coroner where appropriate, and, after giving the coroner an opportunity to be heard, to make such recommendations to the Minister with respect thereto as it sees fit.

(2) For the purposes of an investigation under this section, <sup>Powers</sup> the Coroners' Council has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies <sup>1971, c. 49</sup> to the investigation as if it were an inquiry under that Act.

(3) No action or other proceeding for damages shall be <sup>Protection from liability</sup> instituted against the Coroners' Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty. *New.*

**8.** Subject to subsection 3 of section 13, a provincial <sup>Authority for judge to act as coroner</sup> judge in a provisional judicial district may perform any of the duties and exercise any of the powers of a coroner in the district in the absence of a coroner. R.S.O. 1970, c. 87, s. 6, *amended.*

**9.**—(1) Every person who has reason to believe that a <sup>Duty to give information</sup> deceased person died,

- (a) as a result of,

- i. violence,
- ii. misadventure,
- iii. negligence,
- iv. misconduct, or
- v. malpractice;

(b) by unfair means;

(c) during pregnancy or following pregnancy in circumstances that might reasonably be attributable thereto;

(d) suddenly and unexpectedly;

(e) from disease or sickness for which he was not treated by a legally qualified medical practitioner;

(f) from any cause other than disease; or

(g) under such circumstances as may require investigation,

shall immediately notify a coroner or a police officer of the facts and circumstances relating to the death, and where a police officer is notified he shall in turn immediately notify the coroner of such facts and circumstances.

Deaths to  
be reported

(2) Where a person dies while resident or an in-patient in,

R.S.O. 1970,  
c. 62

(a) a charitable institution as defined in *The Charitable Institutions Act*;

R.S.O. 1970,  
c. 65

(b) a children's boarding home as defined in *The Children's Boarding Homes Act*;

R.S.O. 1970,  
c. 66

(c) a children's institution as defined in *The Children's Institutions Act*;

R.S.O. 1970,  
c. 206

(d) a home for the aged to which *The Homes for the Aged and Rest Homes Act* applies;

R.S.O. 1970,  
c. 204

(e) a home for retarded persons as defined in *The Homes for Retarded Persons Act*;

R.S.O. 1970,  
c. 269

(f) a psychiatric facility designated under *The Mental Health Act*;

R.S.O. 1970,  
c. 270

(g) an institution under *The Mental Hospitals Act*;

- (h) a nursing home to which *The Nursing Homes Act*, R.S.O. 1970, c. 302 1972 applies;
- (i) a children's mental health centre under *The Children's* R.S.O. 1970, c. 68 *Mental Health Centres Act*;
- (j) a public or private hospital to which the person was transferred from a hospital, institution or home referred to in clauses *a* to *i*,

the person in charge of the hospital, institution or home shall immediately give notice of the death to a coroner, and the coroner shall investigate the circumstances of the death and, if as a result of the investigation he is of the opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body. R.S.O. 1970, c. 87, s. 22.

(3) Where a person dies while he is,

Inmate off  
premises

- (a) a patient of a psychiatric facility;
- (b) committed to a correctional institution; or
- (c) a ward of a training school,

but while not on the premises or in actual custody thereof, subsections 1 and 2 apply as if the person were a resident of an institution named therein. *New*.

(4) Where a person dies while detained by or in the actual custody of a peace officer or while an inmate on the premises of a correctional institution, lock-up or training school, the peace officer or officer in charge of the institution, lock-up or training school, as the case may be, shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body. R.S.O. 1970, c. 87, s. 23, *amended*.

Persons in  
custody

(5) A statement as to the notification or non-notification of a coroner under this section, purporting to be certified by the coroner, is, without proof of the appointment or signature of the coroner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 87, s. 7 (2).

Certificate  
as evidence

**10.** No person who has reason to believe that a person died in any of the circumstances mentioned in section 9 shall interfere with or alter the body or its condition in any way until the coroner so directs. R.S.O. 1970, c. 87, s. 9, *amended*.

Interference  
with body

**11.—(1)** Where a coroner has issued his warrant to take possession of the body of a person who has met death by

Power of  
coroner to  
take charge  
of wreckage



violence in a wreck, the coroner may, with the approval of the Chief Coroner, take charge of the wreckage and place one or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he considers necessary.

View to be expedited

(2) The jury or coroner, as the case may be, shall view the wreckage at the earliest moment possible. R.S.O. 1970, c. 87, s. 21, *amended*.

Shipment of bodies outside Ontario

**12.—**(1) No person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

Fee for certificate

(2) An applicant for a certificate under subsection 1 shall pay to the coroner such fee as is prescribed therefor.

Embalming, etc., prohibited

(3) No person who has reason to believe that a dead body will be shipped or taken to a place outside Ontario shall embalm or make any alteration to the body or apply any chemical to the body, internally or externally, until the certificate required by subsection 1 has been issued. R.S.O. 1970, c. 87, s. 10, *amended*.

Warrant for possession of body; investigation

**13.—**(1) Where a coroner is informed that there is in his jurisdiction the body of a person and that there is reason to believe that the person died in any of the circumstances mentioned in section 9, he shall issue his warrant to take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not an inquest is necessary. R.S.O. 1970, c. 87, s. 12 (1).

Idem

(2) Where the Chief Coroner has reason to believe that a person died in any of the circumstances mentioned in section 9 and no warrant has been issued to take possession of the body, he may issue the warrant himself or direct any coroner to do so. *New*.

Jurisdiction

(3) After the issue of the warrant, no other coroner shall issue a warrant or interfere in the case, except the Chief Coroner or except under the instructions of the Minister. R.S.O. 1970, c. 87, s. 12 (3), *amended*.

Expert assistance

(4) Subject to the approval of the Chief Coroner, a coroner may obtain assistance or retain expert services for all or any part of his investigation or inquest. R.S.O. 1970, c. 87, s. 12 (2), *amended*.

(5) A coroner may proceed with an investigation without <sup>No warrant</sup> taking possession of the body where the body has been destroyed in whole or in part or is lying in a place from which it cannot be recovered or has been removed from Ontario.  
*New.*

**14.—**(1) A coroner may,

<sup>Investigative  
powers</sup>

- (a) view or take possession of any dead body, or both;  
and
- (b) enter and inspect any place where a dead body is and  
any place from which the coroner has reasonable  
grounds for believing the body was removed.

(2) A coroner may, where he believes on reasonable and <sup>Idem</sup> probable grounds that to do so is necessary for the purposes of the investigation,

- (a) inspect any place in which the deceased person was,  
or in which the coroner has reasonable grounds to  
believe the deceased person was, prior to his death;
- (b) inspect and extract information from any records  
or writings relating to the deceased or his circum-  
stances and to reproduce such copies therefrom as  
the coroner believes necessary;
- (c) seize anything that the coroner has reasonable grounds  
to believe is material to the purposes of the  
investigation.

(3) A coroner may authorize a legally qualified medical <sup>Delegation  
of powers</sup> practitioner or a police officer to exercise all or any of his powers under subsection 1.

(4) A coroner may, where in his opinion it is necessary <sup>Idem</sup> for the purposes of the investigation, authorize a legally qualified medical practitioner or a police officer to exercise all or any of his powers under clauses *a*, *b* and *c* of subsection 2 but, where such power is conditional on the belief of the coroner, the requisite belief shall be that of the coroner personally.

(5) Where a coroner seizes anything under clause *c* of <sup>Return of  
things seized</sup> subsection 2, he shall place it in the custody of a police officer for safe keeping and shall return it to the person from whom it was seized as soon as is practicable after the conclusion of the investigation or, where there is an inquest, of the inquest, unless he is authorized or required by law to dispose of it otherwise.



Obstruction  
of coroner

(6) No person shall knowingly,

- (a) hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with; or
- (b) furnish with false information or refuse or neglect to furnish information to,

a coroner in the performance of his duties or a person authorized by him in connection with an investigation. *New.*

Circum-  
stances of  
death  
occurring  
outside  
jurisdiction

**15.**—(1) Where a coroner has issued his warrant to take possession of a body and it appears that the death resulted from any of the circumstances mentioned in section 9 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a *post mortem* examination is required, and shall transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

Investigation  
and inquest

(2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.

Notification  
of Chief  
Coroner

(3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.

Transmitting  
results of  
first  
investigation

(4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the *post mortem* examination of the body, his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. R.S.O. 1970, c. 87, s. 16, *amended*.

Warrant for  
burial where  
inquest  
unnecessary

**16.**—(1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*. R.S.O. 1970, c. 87, s. 14 (1), *amended*.

R.S.O. 1970,  
c. 483

(2) Every coroner shall keep a record of the cases reported in which an inquest has been determined to be unnecessary, showing for each case the identity of the deceased and the coroner's findings of the facts as to how, when, where and by what means the deceased came by his death, including the relevant findings of the *post mortem* examination and of any other examinations or analyses of the body carried out, and such information shall be available to the spouse, parents, children, brothers and sisters of the deceased and to his personal representative, upon request. *New.* Record of investigations

**17.** Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. R.S.O. 1970, c. 87, s. 15, *amended.* Warrant for inquest

**18.** Where a coroner has reason to believe that a death has occurred in circumstances that warrant the holding of an inquest but, owing to the destruction of the body in whole or in part or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of this section, he shall report the facts to the Chief Coroner who may direct an inquest to be held touching the death, in which case an inquest shall be held by the coroner making the report or by such other coroner as the Chief Coroner directs, and the law relating to coroners and coroners' inquests applies with such modifications as are necessary in consequence of the inquest being held otherwise than on or after a view of the body. R.S.O. 1970, c. 87, s. 17, *amended.* Where body destroyed or removed from Ontario

**19.** Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. R.S.O. 1970, c. 87, s. 18, *amended.* Minister may direct coroner to hold inquest

**20.**—(1) The Minister may appoint a commissioner to conduct an inquest in place of a coroner where the Minister considers it advisable. Commissioner

Powers

(2) A commissioner appointed under subsection 1 has all the powers and duties of the coroner otherwise having jurisdiction for all purposes connected with the inquest and the coroner shall be deemed to be a person with standing at the inquest. *New.*

Direction  
by Chief  
Coroner

**21.** The Chief Coroner may direct the coroner having jurisdiction in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes. *New.*

Where  
criminal  
offence  
charged

**22.**—(1) Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

Idem

(2) Where during an inquest a person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened. R.S.O. 1970, c. 87, s. 19, *amended.*

Post mortem  
examinations  
and  
analyses

**23.**—(1) A coroner may at any time during an investigation or inquest issue his warrant for a *post mortem* examination of the body, an analysis of the blood, urine or contents of the stomach and intestines, or such other examination or analysis as the circumstances warrant.

Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing to the coroner who issued the warrant, to the Crown attorney and to the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem* and the Chief Coroner. R.S.O. 1970, c. 87, s. 24 (1, 2), *amended.*

Notice to  
Crown  
attorney

**24.**—(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or his representative shall attend the inquest and shall be deemed to be a person with standing at the inquest.

Special  
counsel

(2) The Minister may be represented at an inquest by counsel in addition to or in lieu of the Crown attorney, and such counsel has the same rights as the Crown attorney under subsection 1. R.S.O. 1970, c. 87, s. 25, *amended.*

**25.**—(1) Where an inquest is held, it shall inquire into and determine, Purposes of inquest

- (a) who the deceased was;
- (b) how the deceased came to his death;
- (c) when the deceased came to his death;
- (d) where the deceased came to his death; and
- (e) by what means the deceased came to his death.

(2) The jury shall not make any finding of legal responsibility or express any conclusion of law on any matter referred to in subsection 1. Idem

(3) Subject to subsection 2, the jury may make recommendations in respect of any matter arising out of the inquest. Recommendations

(4) A finding that contravenes subsection 2 is improper and shall not be received. Improper finding

(5) Where a jury fails to deliver a proper finding it shall be discharged. *New.* Failure to make proper finding

**26.** An inquest shall be open to the public except where the coroner is of the opinion that national security might be endangered or where a person is charged with an indictable offence under the *Criminal Code* (Canada) in which cases the coroner may hold the hearing concerning any such matters *in camera.* *New.* Inquest public  
R.S.C. 1970,  
c. C-34

**27.**—(1) Except as provided in subsection 3, every inquest shall be held with a jury. Juries

(2) The number of jurors to be summoned to serve on an inquest shall be five and, where fewer than five of the jurors so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five. R.S.O. 1970, c. 87, s. 27 (1, 2). Jurors

(3) With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury. R.S.O. 1970, c. 87, s. 27 (4), *amended.* Inquest without jury in district

**28.**—(1) A person shall not serve as a juror at an inquest unless he is named in the voters' list of the municipality and Qualification of jurors



marked therein as qualified to serve as a juror, nor shall a person who has acted as a juror at an inquest act in a similar capacity within one year thereafter. R.S.O. 1970, c. 87, s. 28.

Exclusion  
of juror  
with interest

(2) The coroner presiding at an inquest may exclude a person from being sworn as a juror where the coroner believes there is a likelihood that the person, because of interest or bias, would be unable to render a verdict in accordance with the evidence. *New.*

Disqualifica-  
tion

(3) An officer, employee or inmate of a hospital or an institution referred to in subsection 2 or 3 of section 9 shall not serve as a juror at an inquest upon the body of a person who died therein. R.S.O. 1970, c. 87, s. 29, *amended.*

View of  
body may be  
dispensed  
with

**29.**—(1) The jury shall view the body where the coroner directs them to do so. R.S.O. 1970, c. 87, s. 30, *amended.*

Questions  
by jury

(2) The jurors are entitled to ask relevant questions of each witness. *New.*

Majority

**30.** A verdict or finding may be returned by a majority of the jurors sworn. R.S.O. 1970, c. 87, s. 31.

Service of  
summonses

**31.** A summons to a juror or to a witness may be served by personal service or by sending it by registered mail addressed to the usual place of abode of the person summoned. R.S.O. 1970, c. 87, s. 32.

Summonses

**32.**—(1) A coroner may require any person by summons,

(a) to give evidence on oath or affirmation at an inquest; and

(b) to produce in evidence at an inquest documents and things specified by the coroner,

relevant to the subject-matter of the inquest and admissible.

Form and  
service of  
summonses

(2) A summons issued under subsection 1 shall be in Form 1 and shall be signed by the coroner.

Bench  
warrants

(3) Upon proof to the satisfaction of a judge of the county or district court of the service of a summons under this section upon a person and that,

(a) such person has failed to attend or to remain in attendance at an inquest in accordance with the requirements of the summons; and

(b) his presence is material to the inquest,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought to the inquest and to be detained in custody as the judge may order until his presence as a witness at the inquest is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

(4) Service of a summons may be proved by affidavit in an application under subsection 3. Proof of service

(5) Where an application under subsection 3 is made on behalf of a coroner, the coroner may certify to the judge the facts relied on to establish that the presence of the person summoned is material for the purposes of the inquest and such certificate may be accepted by the judge as proof of such facts. *New.* Certificate of facts

**33.**—(1) On the application of any person before or during an inquest, the coroner shall designate him as a person with standing at the inquest if he finds that the person is substantially and directly interested in the inquest. Persons with standing at inquest

(2) A person designated as a person with standing at an inquest may, Rights of persons with standing at inquest

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible. *New.*

**34.**—(1) A witness at an inquest shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at an inquest shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. Protection for witnesses



Right to  
object under  
R.S.C. 1970,  
c. E-10

(2) Where it appears at any stage of the inquest that the evidence that a witness is about to give would tend to criminate him, it is the duty of the coroner and of the Crown attorney to inform the witness of his rights under section 5 of the *Canada Evidence Act*. *New*.

Rights of  
witnesses  
to counsel

**35.**—(1) A witness at an inquest is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the inquest without leave of the coroner.

Idem

(2) Where an inquest is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. *New*.

What is  
admissible  
in evidence  
at inquest

**36.**—(1) Subject to subsections 2 and 3, a coroner may admit as evidence at an inquest, whether or not admissible as evidence in a court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the purposes of the inquest and may act on such evidence, but the coroner may exclude anything unduly repetitious or anything that he considers does not meet such standards of proof as are commonly relied on by reasonably prudent men in the conduct of their own affairs and the coroner may comment on the weight that ought to be given to any particular evidence.

What is  
inadmissible  
in evidence  
at inquest

(2) Nothing is admissible in evidence at an inquest,

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by the statute under which the proceedings arise or any other statute.

Conflicts

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence.

Copies

(4) Where the coroner is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at an inquest.

Photocopies

(5) Where a document has been filed in evidence at an inquest, the coroner may, or the person producing it or

entitled to it may with the leave of the coroner, cause the document to be photocopied and the coroner may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the coroner. *New.*

**37.**—(1) The evidence upon an inquest or any part of it shall be recorded by a person appointed by the coroner and approved by the Crown attorney and who before acting shall make oath or affirmation that he will truly and faithfully record the evidence. <sup>Taking evidence</sup>

(2) It is not necessary to transcribe the evidence unless the Minister, Chief Coroner or Crown attorney orders it to be done or unless any other person requests a copy of the transcript and pays the fees therefor except that the coroner may prohibit the transcribing of all or any part of evidence taken *in camera*. R.S.O. 1970, c. 87, s. 33, *amended*. <sup>Transcription of evidence</sup>

**38.** An inquest may be adjourned from time to time by the coroner of his own motion or where it is shown to the satisfaction of the coroner that the adjournment is required to permit an adequate hearing to be held. *New.* <sup>Adjournments</sup>

**39.** A coroner may make such orders or give such directions at an inquest as he considers necessary for the maintenance of order at an inquest, and, if any person disobeys or fails to comply with any such order or direction, the coroner may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose. *New.* <sup>Maintenance of order at inquest</sup>

**40.**—(1) A coroner may, and if required by the Crown attorney or requested by the witness shall, employ a person to act as interpreter for a witness at an inquest, and such person may be summoned to attend the inquest and before acting shall make oath or affirm that he will truly and faithfully translate the evidence. <sup>Interpreters</sup>

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest, and, before acting, every such constable shall make oath or affirm that he will faithfully perform his duties. R.S.O. 1970, c. 87, ss. 34, 35, *amended*. <sup>Constables</sup>

**41.** The coroner conducting an inquest has power to administer oaths and affirmations for the purpose of the inquest. *New.* <sup>Administration of oaths</sup>

Abuse of  
processes

**42.**—(1) A coroner may make such orders or give such directions at an inquest as he considers proper to prevent abuse of its processes.

Limitation  
on cross-  
examination

(2) A coroner may reasonably limit further cross-examination of a witness where he is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

Exclusion  
of agents

(3) A coroner may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent advising a witness if he finds that such person is not competent properly to advise the witness or does not understand and comply at the inquest with the duties and responsibilities of an adviser. *New.*

Contempt  
proceedings

**43.** Where any person without lawful excuse,

- (a) on being duly summoned as a witness or a juror at an inquest makes default in attending at the inquest; or
- (b) being in attendance as a witness at an inquest, refuses to take an oath or to make an affirmation legally required by the coroner to be taken or made, or to produce any document or thing in his power or control legally required by the coroner to be produced by him or to answer any question to which the coroner may legally require an answer; or
- (c) does any other thing that would, if the inquest had been a court of law having power to commit for contempt have been contempt of that court,

the coroner may state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the coroner inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Return of  
verdict

**44.** The coroner shall forthwith, after an inquest, return the verdict or finding, with the evidence where the Minister, Crown attorney or Chief Coroner has ordered it to be transcribed to the Chief Coroner, and shall transmit a copy of the verdict and recommendations to the Crown attorney. R.S.O. 1970, c. 87, s. 36, *amended.*

**45.** In proceedings under this Act, it is not necessary for a person to affix a seal to a document, and no document is invalidated by reason of the lack of a seal, even though the document purports to be sealed. R.S.O. 1970, c. 87, s. 40. Seals not  
necessary

**46.** Any person who contravenes sections 9, 10, 12 or sub-section 6 of section 14 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 87, s. 11, *amended*. Penalty

**47.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing powers and duties of the Chief Coroner;
  - (b) prescribing fees for coroners for services performed under this or any other Act;
  - (c) prescribing fees and allowances that shall be paid to persons rendering services in connection with coroners' investigations and inquests and providing for the adjustment of such fees in special circumstances;
  - (d) prescribing matters that may be grounds for disqualification because of interest or bias of jurors for the purposes of subsection 2 of section 28;
  - (e) prescribing forms and providing for their use;
  - (f) prescribing additional rules of procedure for inquests.
- R.S.O. 1970, c. 87, s. 41, *amended*.

**48.**—(1) *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 87,  
repealed

(2) Section 93 of *The Government Reorganization Act, 1972*, being chapter 1, is repealed. 1972 Act,  
amended

**49.** This Act shall not be held or construed to be a re-enactment of *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, but a reference in any other Act or in any rule, order or regulation made thereunder to such Act shall be held and construed to be a reference to the provisions of this Act relating to the same subject-matter and if there is no provision in this Act relating to the same subject-matter, the repealed Act stands good and shall be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to the Act, rule, order or regulation in which the reference is made. This Act  
not a re-  
enactment

- Application**      **50.** This Act does not apply in respect of deaths for which a warrant for an investigation or inquest has been issued before this Act comes into force.
- Commence-  
ment**              **51.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title**        **52.** This Act may be cited as *The Coroners Act, 1972*.



## FORM 1

(Section 32 (2))

*The Coroners Act, 1972*

## SUMMONS TO A WITNESS BEFORE an Inquest

RE: \_\_\_\_\_, deceased

TO:

You are hereby summoned and required to attend before an inquest  
to be held

at.....in the.....of.....  
on.....day, the.....day of.....

19....., at the hour of.....o'clock in the.....noon (local  
time), and so from day to day until the inquest is concluded or the coroner  
otherwise orders, to give evidence on oath touching the matters in  
question in the proceedings and to bring with you and produce at such time  
and place.....

.....  
.....

Dated this.....day of....., 19.....

.....  
Coroner

## NOTE:

If you fail to attend and give evidence at the inquest, or to produce the  
documents or things specified, at the time and place specified, without  
lawful excuse, you are liable to punishment by a judge of the county or  
district court in the same manner as if for contempt of that court for  
disobedience to a subpoena.

## FORM 2

(Section 32 (3))

## BENCH WARRANT

## PROVINCE OF ONTARIO

TO: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned  
to appear before an inquest into the death of.....  
deceased, at Toronto (*or as the case may be*) on the.....

day of....., 19....; that the presence of the said C.D. is  
material to the inquest, and that the said C.D. has failed to attend in  
accordance with the requirements of the summons.



THESE are therefore to command you to take the said C.D. to bring and have him before the said inquest at Toronto (*or as the case may be*) there to testify what he may know concerning the matters in question in the said inquest, and that you detain him in your custody until he has given his evidence or until the said inquest has ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of.....,  
19...., at.....

.....  
Judge of the County (District) Court  
of the County (District) of.....



The Coroners Act, 1972

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*1st Reading*

May 25th, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

June 29th, 1972

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THE HON. J. YAREMKO  
Solicitor General

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BILL 143

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

An Act to amend The Public Health Act

THE HON. R. T. POTTER  
Minister of Health



TORONTO

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The provisions repealed authorize regulations respecting medical laboratories. These controls are replaced by section 4 of this Bill.

Subsection 2. The authority to regulate garbage disposal is limited to garbage and refuse in private premises.

SECTION 2. Self-explanatory.

SECTION 3. The amendment clarifies the method of consenting by municipalities to acquisition of real property by a separated health unit.

SECTION 4. The new provisions provide for the licensing and control of medical laboratories.

BILL 143

1972

## An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 32 and 33 of section 6 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, are repealed. s. 6,  
pars. 32, 33,  
repealed

(2) Paragraph 43 of the said section 6 is repealed and the following substituted therefor: s. 6, par. 43,  
re-enacted

43. governing, regulating and restricting the storage, collection and disposal of garbage and refuse in private premises and households. disposal  
of refuse

2. Section 35 of the said Act is amended by adding thereto the following subsection: s. 35,  
amended

(2a) The council of every municipality that is not included in a health unit shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be medical officer of health for the municipality. Medical  
officer of  
health

3. Subsection 5 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (5),  
re-enacted

(5) With the consent of the municipalities forming a separated health unit as provided for in the agreement and, where no such provision is made in the agreement, with the consent of a majority of such municipalities, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property. Acquisition  
of real  
property

4. Section 45 of the said Act is repealed and the following substituted therefor: s. 45,  
re-enacted



Interpre-  
tation45. In this section and in sections 45*a* to 45*n*,

- (a) "Director" means the Director of Laboratory Licences appointed under section 45*a*;
- (b) "inspector" means an inspector appointed under section 45*l*;
- (c) "laboratory" means an institution, building, or place in which operations and procedures for the microbiological, serological, chemical, hematological, biophysical, immuno-hematological, cytological or pathological examination of specimens taken from the human body are performed to obtain information for diagnosis, prophylaxis or treatment, but not including simple procedures prescribed by the regulations that are carried out by legally qualified medical practitioners exclusively for the purpose of the diagnosis and treatment of their patients;
- (d) "operator" means a person having charge or control of a laboratory;
- (e) "regulations" means the regulations made under section 45*n*;
- (f) "Review Board" means the Laboratory Review Board established under section 45*b*;
- (g) "test" means a procedure for carrying out an examination referred to in clause *c* in a laboratory.

Director

45*a*. The Minister shall appoint an officer of the Ministry to be the Director of Laboratory Licences for purposes of sections 45 to 45*n*.

Laboratory  
Review  
Board

45*b*.—(1) There shall be a Laboratory Review Board, which shall be composed of not more than five members, appointed by the Lieutenant Governor in Council who may designate one member as chairman.

Quorum

(2) Three members of the Review Board constitute a quorum.

Remunera-  
tion of  
board  
members

45*c*.—(1) The members of the Review Board who are not employed in the public service of Ontario shall be paid such remuneration and allowances as may be fixed by the Lieutenant Governor in Council in the appointment.

Protection  
from  
personal  
liability

(2) No action or other proceeding for damages shall be instituted against the Director, any member of the

Review Board, or anyone acting under the authority of such Director or member of the Review Board for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

- 45d.—(1) No person shall establish, operate or maintain a laboratory except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a laboratory to perform such classes of tests and subject to such conditions as the Director may specify in the licence. <sup>Licence required</sup>
- (2) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a laboratory and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence. <sup>Issuance of licence</sup>
- (3) Subject to section 45f, the Director may refuse to issue a licence where in his opinion, <sup>Grounds for refusal</sup>
- (a) there is no public need for the laboratory in the area where it is proposed to establish, operate or maintain the laboratory;
  - (b) the past conduct of the applicant or where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the laboratory will not be operated in accordance with the law and with honesty and integrity;
  - (c) the proposed laboratory or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
  - (d) the applicant is not competent to operate a laboratory in accordance with this Act and the regulations;
  - (e) the equipment and premises are not suitable for the performance of the tests for which the licence is sought.
- (4) The Director shall not refuse to issue a licence in respect of a laboratory in operation immediately <sup>Idem</sup>

before this Act comes into force for the reason only that it does not qualify under clause *a* of subsection 3.

Provisional  
licence

- (5) Where the applicant for a licence does not meet all the requirements for issuance of the licence and requires time to meet such requirements, the Director may issue a provisional licence for the laboratory.

Expiration  
and renewal  
of provisional  
licence

- (6) A provisional licence expires six months after the date of its issue but may be renewed by the Director for two further six-month periods where in the opinion of the Director, sufficient progress in complying with the requirements for issuance of a licence has been made.

Expiration  
and renewal  
of licence

- (7) A licence that is not a provisional licence expires twelve months from the date of its issue or renewal and a renewal shall be issued where the applicant is not disqualified under subsection 11.

Stay of  
refusal to  
renew

- (8) Where the Director refuses to renew a licence, the laboratory shall be deemed to continue to be licensed until an order is made by the Review Board or until the time for requiring a hearing by the Review Board expires, whichever occurs first.

Operator  
to be  
named in  
licence

- (9) It is a condition of a licence that the operation of the laboratory be under the charge and control of the operator named in the licence as operator and that the ownership of the laboratory be only in the persons named in the licence as owners.

Notice of  
changes

- (10) Where the operator or the owner named in the licence is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation.

Revocation  
or suspension  
of licence

- (11) The Director may revoke or refuse to renew a licence where,
- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulations that applies to the laboratory;
  - (b) any test authorized by the licence is incompetently performed;

- (c) there is a breach of a condition of the licence;
- (d) the owner or the operator does not comply with this Act or the regulations;
- (e) the services that can be provided by the laboratory are misrepresented;
- (f) a change in the officers or directors of any corporation which is an operator or owner of a laboratory named in the licence would afford grounds for refusing to issue a licence under clause *b* of subsection 3.

45e.—(1) Where the Director issues a licence under this Act and any party to the proceeding is dissatisfied with the terms and conditions thereof prescribed by the Director, he may by written notice given to the Director and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing.

Hearing re  
terms of  
licence

- (2) Pursuant to a hearing under subsection 1, the Review Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.

Decision of  
Review  
Board

45f.—(1) Where the Director proposes to revoke or to refuse to issue or renew a licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew and on the owner and operator in the case of a proposal to revoke.

Proposal to  
refuse to  
issue or  
revoke

- (2) A notice under subsection 1 shall inform the applicant or the owner and operator that he is entitled to a hearing by the Review Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Review Board and he may so require such a hearing.

Notice

- (3) Where the applicant or the owner and operator do not require a hearing by the Review Board in

Powers of  
Director  
where no  
hearing



accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1.

Power of  
Review  
Board  
where  
hearing

- (4) Where an applicant or an owner or operator requires a hearing by the Review Board in accordance with subsection 2, the Review Board shall appoint a time for and shall hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Director.

Extension  
of time for  
requiring  
hearing

- (5) The Review Board may extend the time for the giving of notice requiring a hearing by an applicant or an owner or operator under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or the owner or operator pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Review Board may give such directions as it considers proper consequent upon the extension.

Continuation  
of licence  
pending  
renewal

- (6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the owner or operator has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision.

Parties

- 45g.—(1) The Director, the applicant or the owner or operator who has required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act.

Notice of  
hearing

- (2) Notice of a hearing under section 45f shall afford the applicant or the owner or operator a reasonable

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (3) Any party to proceedings under section 45f shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
  - (4) Members of the Review Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Review Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.
  - (5) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
  - (6) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47
  - (7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
  - (8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence
- 45h.—(1) Any party to the proceedings before the Review Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court



Record to  
be filed  
in court

- (2) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board's record, shall constitute the record in the appeal.

Minister  
entitled to  
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of  
court on  
appeal

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Director to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of  
notice

- 45*i*. Except where otherwise provided, any notice required by sections 45 to 45*n* to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Tests  
permitted

- 45*j*. Every owner and operator shall ensure that no tests are performed in the laboratory other than tests authorized by the licence, and no person employed in the laboratory shall knowingly participate in such tests.

Advertising

- 45*k*. No person shall advertise or cause to be advertised the services of the laboratory, but any person may notify such classes of persons as are specified by the regulations respecting,

(a) the name and address of the laboratory ;

- (b) laboratory employees and the tests that are authorized to be performed under the laboratory licence;
- (c) the laboratory equipment and premises and list of procedures and tariff;
- (d) information as to new tests provided.

45l.—(1) The Minister may appoint one or more persons <sup>Appointment of inspectors</sup> as inspectors for the purposes of sections 45 to 45n and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed under subsection 1 a certificate of his appointment <sup>Certificate of appointment</sup> and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request.

(3) An inspector may at all reasonable times inspect <sup>Powers of inspectors</sup> the premises, operations, all records and test samples of all laboratories to ensure that the provisions of sections 45 to 45n and the regulations are complied with.

(4) Upon an inspection under this section, the inspector <sup>Idem</sup> may upon giving a receipt therefor, remove any material referred to in subsection 3 that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

(5) Any copy made as provided in subsection 4 and purporting to be certified by an inspector is admissible <sup>Admissibility of copies</sup> in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

(6) No person shall obstruct the inspector or withhold <sup>Obstruction</sup> or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

45m.—(1) Any person who contravenes any provision of sections 45 to 45l or the regulations made under section 45n is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. <sup>Penalty</sup>

Idem

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$5,000 and not as provided therein.

Regulations

45*n*. The Lieutenant Governor in Council may make regulations,

- (a) providing for the issuance and renewal of licences and provisional licences and prescribing terms and conditions thereof;
- (b) prescribing simple laboratory procedures for the purpose of clause *c* of section 45;
- (c) prescribing classes of tests for the purposes of this Act and the regulations;
- (d) respecting the officers, staff and employees of laboratories and prescribing their duties, responsibilities and qualifications;
- (e) prescribing the classes of persons who may perform tests in a laboratory;
- (f) prescribing classes of persons who shall not be owners of laboratories or of any interest therein;
- (g) respecting the management and operation of laboratories and requiring laboratories to keep such records and make such reports as are prescribed;
- (h) specifying classes of persons whom laboratories may notify respecting their services;
- (i) prescribing forms and providing for their use;
- (j) prescribing fees for licences, provisional licences and renewals and for laboratory services performed by the Ministry;
- (k) exempting laboratories or any class thereof, or any class of persons from any provisions of this Act or the regulations;
- (l) prescribing tests to which this Act does not apply;



SECTION 5. The provisions of the statutory sanitation by-law having to do with sewage disposal are deleted in areas where the matter is dealt with under *The Environmental Protection Act, 1971*.

- (m) prescribing other duties and powers of the Director and the Review Board, including the approval of educational qualifications of officers, staff and employees of laboratories;
- (n) instituting a system for the payment by the Province of all or any part of the annual expenditures of laboratories in lieu of amounts payable under *The Health Insurance Act, 1972*. <sup>1972, c. ...</sup>

**5.** Section 125 of the said Act is amended by adding thereto <sup>s. 125, amended</sup> the following subsection:

- (4) Sections 14 to 17 of the by-law in Schedule B do not <sup>Application of 1971, c. 86, Part VII</sup> apply in areas in which Part VII of *The Environmental Protection Act, 1971* is made applicable under section 103 of the said Act.

**6.—**(1) This Act, except subsection 1 of section 1 and <sup>Commence-ment</sup> sections 2 and 4, comes into force on the day it receives Royal Assent.

(2) Section 2 shall be deemed to have come into force on <sup>Idem</sup> the 1st day of April, 1972.

(3) Subsection 1 of section 1 and section 4 come into force <sup>Idem</sup> on a day to be named by the Lieutenant Governor by his proclamation.

**7.** This Act may be cited as *The Public Health Amendment* <sup>Short title</sup> Act, 1972.



An Act to amend  
The Public Health Act

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*1st Reading*

May 25th, 1972

*2nd Reading*

*3rd Reading*

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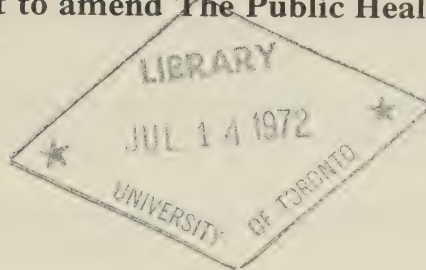
THE HON. R. T. POTTER  
Minister of Health

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*(Government Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Public Health Act**



THE HON. R. T. POTTER  
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 143

1972

## An Act to amend The Public Health Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraphs 32 and 33 of section 6 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, are repealed <sup>s. 6, pars. 32, 33, repealed</sup>

(2) Paragraph 43 of the said section 6 is repealed and the following substituted therefor: <sup>s. 6, par. 43, re-enacted</sup>

43. governing, regulating and restricting the storage, collection and disposal of garbage and refuse in private premises and households. <sup>disposal of refuse</sup>

**2.** Section 35 of the said Act is amended by adding thereto the following subsection: <sup>s. 35, amended</sup>

(2a) The council of every municipality that is not included in a health unit shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be medical officer of health for the municipality. <sup>Medical officer of health</sup>

**3.** Subsection 5 of section 37 of the said Act is repealed and the following substituted therefor: <sup>s. 37 (5), re-enacted</sup>

(5) With the consent of the municipalities forming a separated health unit as provided for in the agreement and, where no such provision is made in the agreement, with the consent of a majority of such municipalities, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property. <sup>Acquisition of real property</sup>

**4.** Section 45 of the said Act is repealed and the following substituted therefor: <sup>s. 45, re-enacted</sup>

45. In this section and in sections 45*a* to 45*n*,

- (*a*) "Director" means the Director of Laboratory Licences appointed under section 45*a*;
- (*b*) "inspector" means an inspector appointed under section 45*l*;
- (*c*) "laboratory" means an institution, building, or place in which operations and procedures for the microbiological, serological, chemical, hematological, biophysical, immunohematological, cytological or pathological examination of specimens taken from the human body are performed to obtain information for diagnosis, prophylaxis or treatment, but not including simple procedures prescribed by the regulations that are carried out by legally qualified medical practitioners exclusively for the purpose of the diagnosis and treatment of their patients;
- (*d*) "operator" means a person having charge or control of a laboratory;
- (*e*) "regulations" means the regulations made under section 45*n*;
- (*f*) "Review Board" means the Laboratory Review Board established under section 45*b*;
- (*g*) "test" means a procedure for carrying out an examination referred to in clause *c* in a laboratory.

Director	45 <i>a</i> . The Minister shall appoint an officer of the Ministry to be the Director of Laboratory Licences for purposes of sections 45 to 45 <i>n</i> .
Laboratory Review Board	45 <i>b</i> .—(1) There shall be a Laboratory Review Board, which shall be composed of not more than five members, appointed by the Lieutenant Governor in Council who may designate one member as chairman.
Quorum	(2) Three members of the Review Board constitute a quorum.
Remuneration of board members	45 <i>c</i> .—(1) The members of the Review Board who are not employed in the public service of Ontario shall be paid such remuneration and allowances as may be fixed by the Lieutenant Governor in Council in the appointment.
Protection from personal liability	(2) No action or other proceeding for damages shall be instituted against the Director, any member of the

Review Board, or anyone acting under the authority of such Director or member of the Review Board for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

- 45d.—(1) No person shall establish, operate or maintain a laboratory except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a laboratory to perform such classes of tests and subject to such conditions as the Director may specify in the licence. <sup>Licence required</sup>
- (2) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a laboratory and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence. <sup>Issuance of licence</sup>
- (3) Subject to section 45f, the Director may refuse to issue a licence where in his opinion, <sup>Grounds for refusal</sup>
- (a) there is no public need for the laboratory in the area where it is proposed to establish, operate or maintain the laboratory;
  - (b) the past conduct of the applicant or where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the laboratory will not be operated in accordance with the law and with honesty and integrity;
  - (c) the proposed laboratory or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
  - (d) the applicant is not competent to operate a laboratory in accordance with this Act and the regulations;
  - (e) the equipment and premises are not suitable for the performance of the tests for which the licence is sought.
- (4) The Director shall not refuse to issue a licence in respect of a laboratory in operation immediately <sup>Idem</sup>



before this Act comes into force for the reason only that it does not qualify under clause *a* of subsection 3.

Provisional  
licence

- (5) Where the applicant for a licence does not meet all the requirements for issuance of the licence and requires time to meet such requirements, the Director may issue a provisional licence for the laboratory.

Expiration  
and renewal  
of provisional  
licence

- (6) A provisional licence expires six months after the date of its issue but may be renewed by the Director for two further six-month periods where in the opinion of the Director, sufficient progress in complying with the requirements for issuance of a licence has been made.

Expiration  
and renewal  
of licence

- (7) A licence that is not a provisional licence expires twelve months from the date of its issue or renewal and a renewal shall be issued where the applicant is not disqualified under subsection 11.

Stay of  
refusal to  
renew

- (8) Where the Director refuses to renew a licence, the laboratory shall be deemed to continue to be licensed until an order is made by the Review Board or until the time for requiring a hearing by the Review Board expires, whichever occurs first.

Operator  
to be  
named in  
licence

- (9) It is a condition of a licence that the operation of the laboratory be under the charge and control of the operator named in the licence as operator and that the ownership of the laboratory be only in the persons named in the licence as owners.

Notice of  
changes

- (10) Where the operator or the owner named in the licence is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation.

Revocation  
or suspension  
of licence

- (11) The Director may revoke or refuse to renew a licence where,
- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulations that applies to the laboratory;
  - (b) any test authorized by the licence is incompetently performed;

- (c) there is a breach of a condition of the licence;
- (d) the owner or the operator does not comply with this Act or the regulations;
- (e) the services that can be provided by the laboratory are misrepresented;
- (f) a change in the officers or directors of any corporation which is an operator or owner of a laboratory named in the licence would afford grounds for refusing to issue a licence under clause *b* of subsection 3.

45e.—(1) Where the Director issues a licence under this Act and any party to the proceeding is dissatisfied with the terms and conditions thereof prescribed by the Director, he may by written notice given to the Director and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing.

- (2) Pursuant to a hearing under subsection 1, the Review Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.

45f.—(1) Where the Director proposes to revoke or to refuse to issue or renew a licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew and on the owner and operator in the case of a proposal to revoke.

- (2) A notice under subsection 1 shall inform the applicant or the owner and operator that he is entitled to a hearing by the Review Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Review Board and he may so require such a hearing.

- (3) Where the applicant or the owner and operator do not require a hearing by the Review Board in

accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1.

Power of  
Review  
Board  
where  
hearing

- (4) Where an applicant or an owner or operator requires a hearing by the Review Board in accordance with subsection 2, the Review Board shall appoint a time for and shall hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Director.

Extension  
of time for  
requiring  
hearing

- (5) The Review Board may extend the time for the giving of notice requiring a hearing by an applicant or an owner or operator under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or the owner or operator pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Review Board may give such directions as it considers proper consequent upon the extension.

Continuation  
of licence  
pending  
renewal

- (6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the owner or operator has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision.

Parties

- 45g.—(1) The Director, the applicant or the owner or operator who has required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act.

Notice of  
hearing

- (2) Notice of a hearing under section 45f shall afford the applicant or the owner or operator a reasonable

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (3) Any party to proceedings under section 45f shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
  - (4) Members of the Review Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Review Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.
  - (5) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
  - (6) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47
  - (7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
  - (8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence
- 45h.—(1) Any party to the proceedings before the Review Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court



Record to  
be filed  
in court

- (2) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board's record, shall constitute the record in the appeal.

Minister  
entitled to  
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of  
court on  
appeal

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Director to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of  
notice

- 45*i*. Except where otherwise provided, any notice required by sections 45 to 45*n* to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Tests  
permitted

- 45*j*. Every owner and operator shall ensure that no tests are performed in the laboratory other than tests authorized by the licence, and no person employed in the laboratory shall knowingly participate in such tests.

Advertising

- 45*k*. No person shall advertise or cause to be advertised the services of the laboratory, but any person may notify such classes of persons as are specified by the regulations respecting,

(a) the name and address of the laboratory ;

(b) laboratory employees and the tests that are authorized to be performed under the laboratory licence;

(c) the laboratory equipment and premises and list of procedures and tariff;

(d) information as to new tests provided.

45l.—(1) The Minister may appoint one or more persons <sup>Appointment of inspectors</sup> as inspectors for the purposes of sections 45 to 45n and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed <sup>Certificate of appointment</sup> under subsection 1 a certificate of his appointment and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request.

(3) An inspector may at all reasonable times inspect <sup>Powers of inspectors</sup> the premises, operations, all records and test samples of all laboratories to ensure that the provisions of sections 45 to 45n and the regulations are complied with.

(4) Upon an inspection under this section, the inspector <sup>Idem</sup> may upon giving a receipt therefor, remove any material referred to in subsection 3 that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

(5) Any copy made as provided in subsection 4 and purporting to be certified by an inspector is admissible <sup>Admissibility of copies</sup> in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

(6) No person shall obstruct the inspector or withhold <sup>Obstruction</sup> or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

45m.—(1) Any person who contravenes any provision of <sup>Penalty</sup> sections 45 to 45l or the regulations made under section 45n is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.



Idem

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$5,000 and not as provided therein.

Regulations

45*n*. The Lieutenant Governor in Council may make regulations,

- (a) providing for the issuance and renewal of licences and provisional licences and prescribing terms and conditions thereof;
- (b) prescribing simple laboratory procedures for the purpose of clause *c* of section 45;
- (c) prescribing classes of tests for the purposes of this Act and the regulations;
- (d) respecting the officers, staff and employees of laboratories and prescribing their duties, responsibilities and qualifications;
- (e) prescribing the classes of persons who may perform tests in a laboratory;
- (f) prescribing classes of persons who shall not be owners of laboratories or of any interest therein;
- (g) respecting the management and operation of laboratories and requiring laboratories to keep such records and make such reports as are prescribed;
- (h) specifying classes of persons whom laboratories may notify respecting their services;
- (i) prescribing forms and providing for their use;
- (j) prescribing fees for licences, provisional licences and renewals and for laboratory services performed by the Ministry;
- (k) exempting laboratories or any class thereof, or any class of persons from any provisions of this Act or the regulations;
- (l) prescribing tests to which this Act does not apply;

- (m) prescribing other duties and powers of the Director and the Review Board, including the approval of educational qualifications of officers, staff and employees of laboratories;
- (n) instituting a system for the payment by the Province of all or any part of the annual expenditures of laboratories in lieu of amounts payable under *The Health Insurance Act, 1972*. <sup>1972, c. ...</sup>

**5.** Section 125 of the said Act is amended by adding thereto <sup>s. 125, amended</sup> the following subsection:

- (4) Sections 14 to 17 of the by-law in Schedule B do not <sup>Application of 1971, c. 86, Part VII</sup> apply in areas in which Part VII of *The Environmental Protection Act, 1971* is made applicable under section 103 of the said Act.

**6.—(1)** This Act, except subsection 1 of section 1 and <sup>Commence-ment</sup> sections 2 and 4, comes into force on the day it receives Royal Assent.

(2) Section 2 shall be deemed to have come into force on <sup>Idem</sup> the 1st day of April, 1972.

(3) Subsection 1 of section 1 and section 4 come into force <sup>Idem</sup> on a day to be named by the Lieutenant Governor by his proclamation.

**7.** This Act may be cited as *The Public Health Amendment* <sup>Short title</sup> *Act, 1972*.





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An Act to amend  
The Public Health Act

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*1st Reading*

May 25th, 1972

*2nd Reading*

June 20th, 1972

*3rd Reading*

June 21st, 1972

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THE HON. R. T. POTTER  
Minister of Health

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(*Government Bill*)

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Pharmacy Act**

THE HON. R. T. POTTER  
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The Bill authorizes pharmaceutical chemists to substitute certain less costly equivalent preparations for those prescribed by physicians within the limits and in the manner set out in the Bill.

The provisions specifying records to be kept and identifications to be on containers are expanded.

## An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(da) "interchangeable pharmaceutical product" means a product containing a drug or drugs in the same amounts of the same active ingredients in the same dosage form as that directed by a prescription;

. . . . .

(fa) "Parcost C.D.I." means the Parcost Comparative Drug Index prescribed by the regulations;

. . . . .

(ia) "prescriber" means a legally qualified medical practitioner, dentist or veterinary surgeon who gives a prescription.

2. Section 52 of the said Act is repealed and the following substituted therefor:

52.—(1) Notwithstanding section 63, every person who dispenses a prescription may, unless otherwise directed by the prescriber, select and dispense an interchangeable pharmaceutical product other than the one prescribed, provided that the interchangeable pharmaceutical product dispensed is listed as interchangeable in the Parcost C.D.I., and is lower in cost than the drug prescribed.

(2) No person shall knowingly supply an interchangeable product under subsection 1 at a price in excess of

the cost of the lowest priced interchangeable pharmaceutical product in his inventory and the maximum dispensing fee as set out in the Parcost C.D.I.

No liability  
for sub-  
stitution

- (3) No action or other proceeding lies or shall be instituted against a prescriber or pharmaceutical chemist on the grounds that an interchangeable pharmaceutical product other than the one prescribed was dispensed in accordance with this section.

Information  
noted on  
prescription

- 52a.—(1) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is included on the prescription,

- (a) the name and address of the person for whom the drug is prescribed;
- (b) the name, strength (where applicable) and quantity of the prescribed drug;
- (c) the directions for use, as prescribed;
- (d) the name and address of the prescriber;
- (e) the identity of the manufacturer of the drug dispensed;
- (f) an identification number or other designation;
- (g) the signature of the person dispensing the drug, and where different, also the signature of the person receiving an oral prescription;
- (h) the date on which the drug is dispensed;
- (i) the price charged.

Retention  
of records

- (2) The records required under subsection 1 shall be retained for not less than six years.

Identifica-  
tion  
markings

- (3) The container in which the drug is dispensed shall be marked with,
- (a) the identification number that is on the prescription;
  - (b) the name, address and telephone number of the pharmacy in which the prescription is dispensed;

(c) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;

(d) the name of the owner of the pharmacy;

(e) the date the prescription is dispensed;

(f) the name of the prescriber;

(g) the name of the person for whom it is prescribed;

(h) the directions for use as prescribed.

(4) The Minister may require any person operating a <sup>Disclosure of records</sup> pharmacy to make available to him any information from records required to be kept under this section.

**3.** Section 57 of the said Act is amended by adding thereto the <sup>s. 57, amended</sup> following clauses:

(k) designating containers in which drugs may be dispensed and designating an organization to test and mark its approval of any container so designated, and prohibiting the use of designated containers that are not so marked;

(l) prescribing the Parcost C.D.I. for the purposes of this Act.

**4.** This Act comes into force on the day it receives <sup>Commence-</sup> Royal Assent. <sup>ment</sup>

**5.** This Act may be cited as *The Pharmacy Amendment* <sup>Short title</sup> Act, 1972.







An Act to amend  
The Pharmacy Act

*1st Reading*

May 25th, 1972

*2nd Reading*

*3rd Reading*

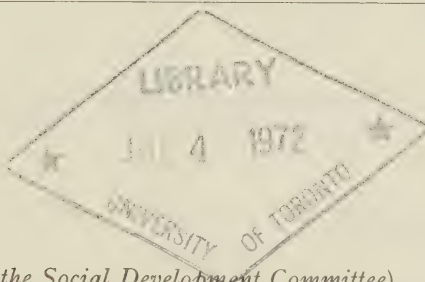
THE HON. R. T. POTTER  
Minister of Health

*(Government Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Pharmacy Act**

THE HON. R. T. POTTER  
Minister of Health



*(Reprinted as amended by the Social Development Committee)*

#### EXPLANATORY NOTE

The Bill authorizes pharmaceutical chemists to substitute certain less costly equivalent preparations for those prescribed by physicians within the limits and in the manner set out in the Bill.

The provisions specifying records to be kept and identifications to be on containers are expanded.

## An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(da) "interchangeable pharmaceutical product" means a product containing a drug or drugs in the same amounts of the same active ingredients in the same dosage form as that directed by a prescription;

. . . . .

(fa) "Parcost C.D.I." means the Parcost Comparative Drug Index prescribed by the regulations;

. . . . .

(ia) "prescriber" means a legally qualified medical practitioner, dentist or veterinary surgeon who gives a prescription.

2. Section 52 of the said Act is repealed and the following substituted therefor: s. 52,  
re-enacted

52.—(1) Notwithstanding section 63, every person who dispenses a prescription may, unless otherwise directed by the prescriber, select and dispense an interchangeable pharmaceutical product other than the one prescribed, provided that the interchangeable pharmaceutical product dispensed is listed as interchangeable in the Parcost C.D.I., and is lower in cost than the drug prescribed. Substitution  
of inter-  
changeable  
product

(2) No person shall knowingly supply an interchangeable product under subsection 1 at a price in excess of Cost

the cost of the lowest priced interchangeable pharmaceutical product in his inventory and the maximum dispensing fee as set out in the Parcost C.D.I.

No liability  
for sub-  
stitution

- (3) No action or other proceeding lies or shall be instituted against a prescriber or pharmaceutical chemist on the grounds that an interchangeable pharmaceutical product other than the one prescribed was dispensed in accordance with this section.

Information  
noted on  
prescription

52a.—(1) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is included on the prescription,

- (a) the name and address of the person for whom the drug is prescribed;
- (b) the name, strength (where applicable) and quantity of the prescribed drug;
- (c) the directions for use, as prescribed;
- (d) the name and address of the prescriber;
- (e) the identity of the manufacturer of the drug dispensed;
- (f) an identification number or other designation;
- (g) the signature of the person dispensing the drug, and where different, also the signature of the person receiving an oral prescription;
- (h) the date on which the drug is dispensed;
- (i) the price charged.

Retention  
of records

- (2) The records required under subsection 1 shall be retained for not less than six years.

Identifica-  
tion  
markings

- (3) The container in which the drug is dispensed shall be marked with,

- (a) the identification number that is on the prescription;
- (b) the name, address and telephone number of the pharmacy in which the prescription is dispensed;

- (c) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;
- (d) the name of the owner of the pharmacy;
- (e) the date the prescription is dispensed;
- (f) the name of the prescriber;
- (g) the name of the person for whom it is prescribed;
- (h) the directions for use as prescribed.

- (4) The Minister may require any person operating a pharmacy to make available to him any information from records required to be kept under this section. <sup>Disclosure of records</sup>

**3.** Section 57 of the said Act is amended by adding thereto the <sup>s. 57, amended</sup> following clauses:

- (k) regulating the use of containers in which drugs may be dispensed and designating organizations to test, certify and designate containers that meet standards approved by the Minister for such purposes as may be specified in the regulations, and requiring the use of containers that are so certified and designated except under such circumstances as are prescribed.

- (l) prescribing the Parcost C.D.I. for the purposes of this Act.

**4.** This Act comes into force on the day it receives <sup>Commence-</sup> Royal Assent. <sub>ment</sub>

**5.** This Act may be cited as *The Pharmacy Amendment Act, 1972*. <sup>Short title</sup>







An Act to amend  
The Pharmacy Act

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*1st Reading*

May 25th, 1972

*2nd Reading*

June 20th, 1972

*3rd Reading*

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THE HON. R. T. POTTER  
Minister of Health

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(Reprinted as amended by the  
*Social Development Committee*)

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**BILL 144**

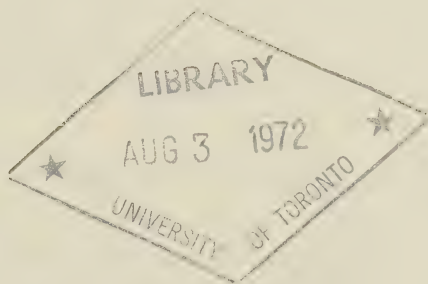
Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

*Legislative Assembly*

**An Act to amend The Pharmacy Act**

THE HON. R. T. POTTER  
Minister of Health





## An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(da) "interchangeable pharmaceutical product" means a product containing a drug or drugs in the same amounts of the same active ingredients in the same dosage form as that directed by a prescription;

(fa) "Parcost C.D.I." means the Parcost Comparative Drug Index prescribed by the regulations;

(ia) "prescriber" means a legally qualified medical practitioner, dentist or veterinary surgeon who gives a prescription.

2. Section 52 of the said Act is repealed and the following substituted therefor:

52.—(1) Notwithstanding section 63, every person who dispenses a prescription may, unless otherwise directed by the prescriber, select and dispense an interchangeable pharmaceutical product other than the one prescribed, provided that the interchangeable pharmaceutical product dispensed is listed as interchangeable in the Parcost C.D.I., and is lower in cost than the drug prescribed.

(2) No person shall knowingly supply an interchangeable product under subsection 1 at a price in excess of



the cost of the lowest priced interchangeable pharmaceutical product in his inventory and the maximum dispensing fee as set out in the Parcost C.D.I.

No liability  
for sub-  
stitution

- (3) No action or other proceeding lies or shall be instituted against a prescriber or pharmaceutical chemist on the grounds that an interchangeable pharmaceutical product other than the one prescribed was dispensed in accordance with this section.

Information  
noted on  
prescription

- 52a.—(1) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is included on the prescription,

- (a) the name and address of the person for whom the drug is prescribed;
- (b) the name, strength (where applicable) and quantity of the prescribed drug;
- (c) the directions for use, as prescribed;
- (d) the name and address of the prescriber;
- (e) the identity of the manufacturer of the drug dispensed;
- (f) an identification number or other designation;
- (g) the signature of the person dispensing the drug, and where different, also the signature of the person receiving an oral prescription;
- (h) the date on which the drug is dispensed;
- (i) the price charged.

Retention  
of records

- (2) The records required under subsection 1 shall be retained for not less than six years.

Identifica-  
tion  
markings

- (3) The container in which the drug is dispensed shall be marked with,

- (a) the identification number that is on the prescription;
- (b) the name, address and telephone number of the pharmacy in which the prescription is dispensed;

- (c) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;
- (d) the name of the owner of the pharmacy;
- (e) the date the prescription is dispensed;
- (f) the name of the prescriber;
- (g) the name of the person for whom it is prescribed;
- (h) the directions for use as prescribed.

- (4) The Minister may require any person operating a pharmacy to make available to him any information from records required to be kept under this section. <sup>Disclosure of records</sup>

**3.** Section 57 of the said Act is amended by adding thereto the following clauses: <sup>s. 57, amended</sup>

- (k) regulating the use of containers in which drugs may be dispensed and designating organizations to test, certify and designate containers that meet standards approved by the Minister for such purposes as may be specified in the regulations, and requiring the use of containers that are so certified and designated except under such circumstances as are prescribed.
- (l) prescribing the Parcost C.D.I. for the purposes of this Act.

**4.** This Act comes into force on the day it receives <sup>Commence-</sup> Royal Assent. <sub>ment</sub>

**5.** This Act may be cited as *The Pharmacy Amendment Act, 1972*. <sup>Short title</sup>





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An Act to amend  
The Pharmacy Act

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*1st Reading*

May 25th, 1972

*2nd Reading*

June 20th, 1972

*3rd Reading*

June 29th, 1972

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THE HON. R. T. POTTER  
Minister of Health

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Meat Inspection Act (Ontario)**

THE HON. W. A. STEWART  
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The Bill extends the application of the Act to meat-processing operations carried on in slaughtering plants and provides for the establishment of standards for meat products processed at such plants.

BILL 145

1972

## An Act to amend The Meat Inspection Act (Ontario)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Meat Inspection Act* (Ontario), <sup>s. 1, amended</sup> being chapter 266 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 56, is further amended by adding thereto the following clause:

(db) “meat product” means any product processed or derived in whole or in part from meat and intended to be used as food for human consumption.

(2) Clause *f* of the said section 1 is repealed and the <sup>s. 1 (f), re-enacted</sup> following substituted therefor:

(f) “plant” means a premises where animals are slaughtered, and includes any portion of the premises in which meat products are produced, processed, handled or stored.

2. Section 2 of the said Act is amended by adding thereto <sup>s. 2, amended</sup> the following subsection:

(4) No person shall engage in the production, processing, <sup>Production, etc., of meat products</sup> handling or storage of a meat product at a plant except in accordance with the regulations.

3.—(1) Section 10 of the said Act is amended by adding <sup>s. 10, amended</sup> thereto the following clause:

(fa) requiring and governing the detention and disposal of any meat product at a plant and prescribing the procedures therefor.

(2) Clause *h* of the said section 10 is amended by inserting <sup>s. 10 (h), amended</sup> after “meat” in the first line “or meat products”.

s. 10 (k),  
amended

(3) Clause *k* of the said section 10 is amended by inserting after "meat" in the second line "and meat products".

s. 10,  
amended

(4) The said section 10 is further amended by adding thereto the following clauses:

(*ka*) prescribing standards for any class or variety of meat product;

(*kb*) providing for the taking at a plant of samples of meat or any meat product at the expense of the owner for the purpose of testing;

. . . . .

(*ma*) providing for the labelling at a plant of meat products.

Commence-  
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Meat Inspection Amendment Act (Ontario), 1972*.









An Act to amend  
The Meat Inspection Act (Ontario)

---

*1st Reading*

May 25th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Meat Inspection Act (Ontario)**



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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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## An Act to amend The Meat Inspection Act (Ontario)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Meat Inspection Act* (Ontario), <sup>s. 1, amended</sup> being chapter 266 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 56, is further amended by adding thereto the following clause:

(db) “meat product” means any product processed or derived in whole or in part from meat and intended to be used as food for human consumption.

(2) Clause *f* of the said section 1 is repealed and the <sup>s. 1(f), re-enacted</sup> following substituted therefor:

(f) “plant” means a premises where animals are slaughtered, and includes any portion of the premises in which meat products are produced, processed, handled or stored.

2. Section 2 of the said Act is amended by adding thereto <sup>s. 2, amended</sup> the following subsection:

(4) No person shall engage in the production, processing, <sup>Production, etc., of meat products</sup> handling or storage of a meat product at a plant except in accordance with the regulations.

3.—(1) Section 10 of the said Act is amended by adding <sup>s. 10, amended</sup> thereto the following clause:

(fa) requiring and governing the detention and disposal of any meat product at a plant and prescribing the procedures therefor.

(2) Clause *h* of the said section 10 is amended by inserting <sup>s. 10(h), amended</sup> after “meat” in the first line “or meat products”.

s. 10 (*k*),  
amended

(3) Clause *k* of the said section 10 is amended by inserting after "meat" in the second line "and meat products".

s. 10,  
amended

(4) The said section 10 is further amended by adding thereto the following clauses:

(*ka*) prescribing standards for any class or variety of meat product;

(*kb*) providing for the taking at a plant of samples of meat or any meat product at the expense of the owner for the purpose of testing;

. . . . .

(*ma*) providing for the labelling at a plant of meat products.

Commence-  
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Meat Inspection Amendment Act (Ontario), 1972*.









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An Act to amend  
The Meat Inspection Act (Ontario)

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*1st Reading*

May 25th, 1972

*2nd Reading*

June 20th, 1972

*3rd Reading*

June 21st, 1972

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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to regulate the Operation of Aircraft over Ontario and  
to investigate the Effect and Consequences of Sonic Booms**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The purpose of this Bill is:

1. To prohibit the creation of sonic booms by aircraft while flying over Ontario airspace.
2. To provide for a complete study and investigation by the Minister of Health into the effects on persons and property of sonic booms.

## An Act to regulate the Operation of Aircraft over Ontario and to investigate the Effect and Consequences of Sonic Booms

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Health.<sup>Interpre-  
tation</sup>
2. Subject to section 3, no person shall operate an aircraft<sup>Sonic booms  
by aircraft  
prohibited</sup> over Ontario in such manner as to penetrate the sound barrier and create a sonic boom.
3. Section 2 does not apply to a person operating an<sup>Saving</sup> aircraft,
  - (a) in the course of his duties as a member of any branch of the armed forces of Canada; or
  - (b) while engaged in the investigation and study referred to in section 4.
- 4.—(1) The Minister shall conduct a full and complete<sup>Investiga-  
tion and  
study</sup> investigation and study into the effect of sonic booms, for the purpose of determining what exposures, in amount and frequency, to sonic booms is or may be detrimental to the health and welfare of persons resident in Ontario or detrimental to the preservation of natural beauty and historic shrines in Ontario.
  - (2) The investigation mentioned in subsection 1 shall in-<sup>What  
investiga-  
tion to  
include</sup>clude a study of the startle effect and the physiological and psychological problems that may result from exposure to sonic booms.
5. The Minister shall,<sup>Report of  
Minister</sup>
  - (a) on or before the expiration of one year from the day this Act comes into force, lay before the Assembly an interim report of his findings under the study



and investigation, together with the written comments of any persons or officials consulted; and

- (b) on or before the expiration of two years from the day this Act comes into force, lay before the Assembly a final report of his findings under the study and investigation.

Offence

**6.** Any person who contravenes any of the provisions of section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Sonic Boom Investigation and Control Act, 1972*.







An Act to regulate the Operation of,  
Aircraft over Ontario and to investigate  
the Effect and Consequences  
of Sonic Booms

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*1st Reading*

May 25th, 1972

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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*(Private Member's Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to relieve Medical Practitioners, Registered  
Nurses and Others from Liability in respect of Voluntary  
Emergency First Aid and Medical Services**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTE

The purpose of this Bill is to relieve medical practitioners, registered nurses and others from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

## An Act to relieve Medical Practitioners, Registered Nurses and Others from Liability in respect of Voluntary Emergency First Aid and Medical Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) “medical practitioner” means a person who is registered as a medical practitioner under *The Medical Act*; R.S.O. 1970,  
c. 268

(b) “registered nurse” means a person who is registered as a nurse under *The Nurses Act*. R.S.O. 1970,  
c. 301

**2.** Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency, Relief from  
liability  
for damages

(a) a medical practitioner or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or

(b) a person other than a person mentioned in clause (a) voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the medical practitioner, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by gross negligence on his part.

Act does  
not apply  
to normal  
medical  
services

**3.** Nothing in section 2 shall be deemed to relieve a medical practitioner from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the medical practitioner in respect of medical services rendered by him in the normal and ordinary course of his practice.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Voluntary Emergency First Aid and Medical Services Act, 1972*.









An Act to relieve Medical Practitioners,  
Registered Nurses and Others from Lia-  
bility in respect of Voluntary Emergency  
First Aid and Medical Services

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*1st Reading*

May 29th, 1972

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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*(Private Member's Bill)*

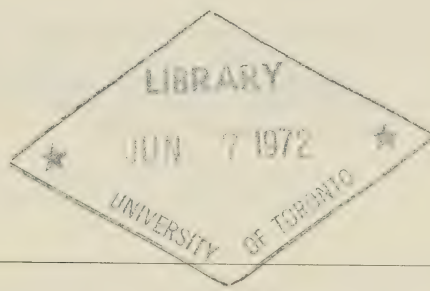
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**BILL 148**

**Private Member's Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Dog Tax and Live Stock and Poultry Protection Act**



MR. PATERSON

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Bill provides for compensation to poultry owners where any poultry is killed or injured by a dog and the weight of the poultry killed or injured is less than fifty pounds.

BILL 148

1972

## An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 11 of *The Dog Tax and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(d) "poultry" includes birds, chickens, pheasant, water-fowl, peafowl or any ornamental birds kept in captivity.

**2.** Clause *b* of subsection 2 of section 13 of the said Act is repealed.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1972*.

An Act to amend  
The Dog Tax and Live Stock  
and Poultry Protection Act

*1st Reading*

May 29th, 1972

*2nd Reading*

*3rd Reading*

MR. PATERSON

*(Private Member's Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 III

**An Act to amend The Income Tax Act**



THE HON. A. GROSSMAN  
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

Except as otherwise provided, this Bill corrects references to sections of the *Income Tax Act* (Canada) with no change in substance.



## An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 15 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 1 is repealed and the following substituted therefor:

s. 1 (1), par. 15,  
re-enacted

15. "individual" means a person other than a corporation, and includes a trust or estate as defined in subsection 1 of section 104 of the Federal Act.

2. Clause *a* of subsection 4 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3 is repealed and the following substituted therefor:

s. 3 (4) (a),  
re-enacted

(a) "tax payable under the Federal Act" means the amount that, but for section 120 of the Federal Act, would be the tax payable by a taxpayer under Part I of that Act for the taxation year in respect of which the expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act.

3. Subsection 6 of section 5 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 5 is repealed and the following substituted therefor:

s. 5 (6),  
re-enacted

(6) Where an election for a year of averaging filed under subsection 1 of section 119 of the Federal Act has been revoked by the taxpayer in accordance with subsection 5 of section 119 of the Federal Act, subsection 1 of this section is not applicable in determining the tax payable under this Part for the year of averaging.

Idem

s. 6 (b),  
enacted

4. The said Act is amended by adding thereto the following section:

Interpre-  
tation

6b.—(1) In this section,

(a) “housing unit” includes any premises ordinarily occupied or inhabited as a residence by the taxpayer in a taxation year, but does not include premises occupied or inhabited by a taxpayer in a private or public nursing home, charitable institutions, homes for the aged or homes for special care, which are prescribed by regulation, or premises which have not been designated by the taxpayer to be his principal residence;

(b) “municipal tax” means taxes imposed in Ontario for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement and other special rates;

(c) “occupancy cost” means,

(i) where municipal tax is paid in the taxation year by a principal taxpayer or his spouse in respect of the principal residence, the municipal tax so paid in the taxation year, and

(ii) where a rental or other payment is paid in Ontario by the principal taxpayer or his spouse in respect of the principal residence in Ontario, 20 per cent of the rental or other payment, excluding any payment made on account of meals or board, so paid in the taxation year,

but, where municipal tax and rental or other payment is paid with respect to the same principal residence, means the municipal tax so paid;

(d) “principal residence” means a housing unit, either owned or rented by the taxpayer or by his spouse, ordinarily occupied by the taxpayer in Ontario in the taxation year, and designated by him in prescribed manner to be his principal residence in the taxation year;

SECTION 4. This section provides for the property tax credit available to Ontario taxpayers. Under this section a principal taxpayer who is a homeowner may deduct from his taxable income for the year \$90 plus 10 per cent of municipal tax paid minus 1 per cent of taxable income up to a maximum credit of \$250. If a principal taxpayer is not a homeowner, but rents premises, he may deduct from his taxable income for the year \$90 plus 2 per cent of the annual rent paid minus 1 per cent of taxable income, again up to a maximum of \$250.

Those taxpayers not eligible for this credit are children under 16 years of age as of December 31, persons under 21 years of age who live at home and are claimed as dependants for income tax purposes, and those residents living in institutions exempt from municipal tax.



- (e) "principal taxpayer" means a taxpayer who occupies or inhabits a principal residence in Ontario on the last day of the taxation year, or when a taxpayer occupies or inhabits a principal residence with his spouse, means that spouse who has the higher taxable income in the taxation year, but "principal taxpayer" does not include any person under the age of 16 years on the last day of the taxation year or any person under the age of 21 years on the last day of the taxation year who resides in the principal residence of and is claimed as a dependant by another taxpayer in that taxation year.

(2) There may be deducted from the tax otherwise payable <sup>Property tax credit</sup> under this Act for the taxation year by an individual resident in Ontario on the last day of the taxation year who is a principal taxpayer in the taxation year, an amount, calculated in respect of occupancy costs of the principal residence, which amount is equal to the least of,

- (a) if the occupancy cost is \$90 or more in the taxation year, the aggregate of \$90 and 10 per cent of the occupancy cost minus 1 per cent of the taxable income of the principal taxpayer;
- (b) if the occupancy cost is less than \$90 in the taxation year, the occupancy cost minus 1 per cent of the taxable income of the principal taxpayer; or
- (c) \$250.

(3) Where the principal residence of a principal taxpayer who <sup>Deemed occupancy cost for students</sup> is a full-time student during a taxation year is in a residence of a college or of a university designated by the Lieutenant Governor in Council for purposes of section 304 of *The Municipal Act*, and if the municipality in which the college or university is situate receives a grant from Ontario in lieu of municipal taxes, for the purposes of this section, the occupancy cost of such principal taxpayer in such residence shall be deemed to be \$25 for the period in the taxation year during which the principal taxpayer was so resident. <sup>R.S.O. 1970, c. 284</sup>

(4) Where a taxpayer dies in the taxation year having had a <sup>Death of principal taxpayer</sup> principal residence immediately before his death and he or his spouse has paid any municipal tax or rental or other payment in relation to the principal residence, the legal representative of such deceased taxpayer may claim in prescribed manner from the tax otherwise payable under this Act by the

deceased taxpayer, the deduction which could have been claimed under subsection 2 in relation to the amount so paid by the deceased taxpayer or his spouse as if the deceased taxpayer had been the principal taxpayer in relation to such principal residence.

s. 9 (4a),  
re-enacted

5. Subsection 4a of section 9 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session) chapter 1, section 9 is repealed and the following substituted therefor:

Idem

(4a) Notwithstanding subsection 4, there shall not be included in computing the income of a taxpayer, for the purposes of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause ii of clause a of subsection 4, any amount that was not included in computing his income for the purposes of an assessment of tax made before the expiration of four years from that day, and,

(a) in respect of which the taxpayer establishes that the failure so to include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act; or

(b) that the taxpayer establishes cannot reasonably be regarded as relating to a matter specified in a waiver filed by the taxpayer with the Provincial Minister, in the form and within the time referred to in subsection 4, with respect to a taxation year to which the reassessment, additional assessment or assessment of tax, interest or penalties, as the case may be, relates.

s. 34 (8),  
re-enacted

6. Subsection 8 of section 34 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 21, is repealed and the following substituted therefor:

Assessment  
for amount  
deducted

(8) The Provincial Minister may assess any person for any amount that has been deducted or withheld by that person under this Act or a regulation or that is payable by that person under this section and, upon his sending a notice of assessment to that person, Divisions I and J of Part I of the Federal Act are applicable *mutatis mutandis*.



7. This Act comes into force on the day it receives Royal<sup>Commence-</sup>  
Assent and applies with respect to the 1972 and subsequent<sup>ment</sup>  
taxation years.

8. This Act may be cited as *The Income Tax Amendment*<sup>Short title</sup>  
*Act, 1972*.







An Act to amend  
The Income Tax Act

---

*1st Reading*

May 30th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. A. GROSSMAN  
Minister of Revenue

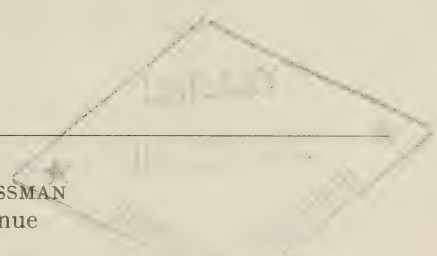
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*(Government Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Income Tax Act**

THE HON. A. GROSSMAN  
Minister of Revenue





## An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 15 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 1 is repealed and the following substituted therefor: s. 1 (1), par. 15, re-enacted

15. "individual" means a person other than a corporation, and includes a trust or estate as defined in subsection 1 of section 104 of the Federal Act.

2. Clause *a* of subsection 4 of section 3 of the said Act, s. 3 (4) (a), re-enacted as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3 is repealed and the following substituted therefor:

(a) "tax payable under the Federal Act" means the amount that, but for section 120 of the Federal Act, would be the tax payable by a taxpayer under Part I of that Act for the taxation year in respect of which the expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act.

3. Subsection 6 of section 5 of the said Act, as amended s. 5 (6), re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 5 is repealed and the following substituted therefor:

(6) Where an election for a year of averaging filed Idem under subsection 1 of section 119 of the Federal Act has been revoked by the taxpayer in accordance with subsection 5 of section 119 of the Federal Act, subsection 1 of this section is not applicable in determining the tax payable under this Part for the year of averaging.

s. 6 (b),  
enacted

4. The said Act is amended by adding thereto the following section:

Interpre-  
tation

6b.—(1) In this section,

(a) “housing unit” includes any premises ordinarily occupied or inhabited as a residence by the taxpayer in a taxation year, but does not include premises occupied or inhabited by a taxpayer in a private or public nursing home, charitable institutions, homes for the aged or homes for special care, which are prescribed by regulation, or premises which have not been designated by the taxpayer to be his principal residence;

(b) “municipal tax” means taxes imposed in Ontario for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement and other special rates;

(c) “occupancy cost” means,

(i) where municipal tax is paid in the taxation year by a principal taxpayer or his spouse in respect of the principal residence, the municipal tax so paid in the taxation year, and

(ii) where a rental or other payment is paid in Ontario by the principal taxpayer or his spouse in respect of the principal residence in Ontario, 20 per cent of the rental or other payment, excluding any payment made on account of meals or board, so paid in the taxation year,

but, where municipal tax and rental or other payment is paid with respect to the same principal residence, means the municipal tax so paid;

(d) “principal residence” means a housing unit, either owned or rented by the taxpayer or by his spouse, ordinarily occupied by the taxpayer in Ontario in the taxation year, and designated by him in prescribed manner to be his principal residence in the taxation year;



- (e) "principal taxpayer" means a taxpayer who occupies or inhabits a principal residence in Ontario on the last day of the taxation year, or when a taxpayer occupies or inhabits a principal residence with his spouse, means that spouse who has the higher taxable income in the taxation year, but "principal taxpayer" does not include any person under the age of 16 years on the last day of the taxation year or any person under the age of 21 years on the last day of the taxation year who resides in the principal residence of and is claimed as a dependant by another taxpayer in that taxation year.

(2) There may be deducted from the tax otherwise payable <sup>Property tax credit</sup> under this Act for the taxation year by an individual resident in Ontario on the last day of the taxation year who is a principal taxpayer in the taxation year, an amount, calculated in respect of occupancy costs of the principal residence, which amount is equal to the least of,

- (a) if the occupancy cost is \$90 or more in the taxation year, the aggregate of \$90 and 10 per cent of the occupancy cost minus 1 per cent of the taxable income of the principal taxpayer;
- (b) if the occupancy cost is less than \$90 in the taxation year, the occupancy cost minus 1 per cent of the taxable income of the principal taxpayer; or
- (c) \$250.

(3) Where the principal residence of a principal taxpayer who <sup>Deemed occupancy cost for students</sup> is a full-time student during a taxation year is in a residence of a college or of a university designated by the Lieutenant Governor in Council for purposes of section 304 of *The Municipal Act*, and if the municipality in which the college or university is situate receives a grant from Ontario in lieu of municipal taxes, for the purposes of this section, the occupancy cost of such principal taxpayer in such residence shall be deemed to be \$25 for the period in the taxation year during which the principal taxpayer was so resident. <sup>R.S.O. 1970, c. 284</sup>

(4) Where a taxpayer dies in the taxation year having had a <sup>Death of principal taxpayer</sup> principal residence immediately before his death and he or his spouse has paid any municipal tax or rental or other payment in relation to the principal residence, the legal representative of such deceased taxpayer may claim in prescribed manner from the tax otherwise payable under this Act by the

deceased taxpayer, the deduction which could have been claimed under subsection 2 in relation to the amount so paid by the deceased taxpayer or his spouse as if the deceased taxpayer had been the principal taxpayer in relation to such principal residence.

s. 9 (4a),  
re-enacted

5. Subsection 4a of section 9 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session) chapter 1, section 9 is repealed and the following substituted therefor:

Idem

(4a) Notwithstanding subsection 4, there shall not be included in computing the income of a taxpayer, for the purposes of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause ii of clause a of subsection 4, any amount that was not included in computing his income for the purposes of an assessment of tax made before the expiration of four years from that day, and,

(a) in respect of which the taxpayer establishes that the failure so to include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act; or

(b) that the taxpayer establishes cannot reasonably be regarded as relating to a matter specified in a waiver filed by the taxpayer with the Provincial Minister, in the form and within the time referred to in subsection 4, with respect to a taxation year to which the reassessment, additional assessment or assessment of tax, interest or penalties, as the case may be, relates.

s. 34 (8),  
re-enacted

6. Subsection 8 of section 34 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 21, is repealed and the following substituted therefor:

Assessment  
for amount  
deducted

(8) The Provincial Minister may assess any person for any amount that has been deducted or withheld by that person under this Act or a regulation or that is payable by that person under this section and, upon his sending a notice of assessment to that person, Divisions I and J of Part I of the Federal Act are applicable *mutatis mutandis*.

7. This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent and applies with respect to the 1972 and subsequent <sup>ment</sup>taxation years.

8. This Act may be cited as *The Income Tax Amendment* <sup>Short title</sup>*Act, 1972*.

An Act to amend  
The Income Tax Act

---

*1st Reading*

May 30th, 1972

*2nd Reading*

June 20th, 1972

*3rd Reading*

June 29th, 1972

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THE HON. A. GROSSMAN  
Minister of Revenue

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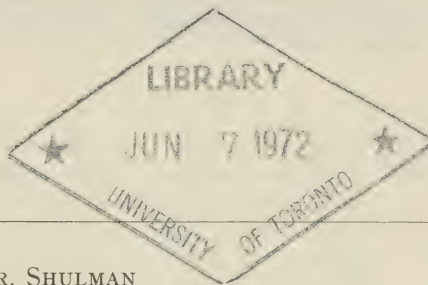
**BILL 150**

**Private Member's Bill**

Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Securities Act**



MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The amendment requires that shareholders of public corporations be notified of material changes in the corporate affairs that affect the value of the shares.

## An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.. *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 130a,  
enacted

130a.—(1) Where a material change or development occurs in the affairs of a corporation, the directors shall cause a notice giving the particulars of the change to be sent to each registered shareholder as soon as is practicable but not later than the tenth day of the month immediately following the month in which the change occurs. Notice of  
material  
changes

(2) For the purposes of subsection 1, a material change or development includes, What  
constitutes  
material  
change

- (a) an actual or proposed change in the control of the corporation;
- (b) an actual or proposed acquisition or disposition of material assets;
- (c) any proposed take-over, merger, consolidation, amalgamation or reorganization;
- (d) any material discoveries, changes or developments in the corporation's resources, technology, products or contracts that would materially increase or decrease the earnings of the corporation;
- (e) any proposed change in capital structure, including stock splits or stock dividends;



(f) any indicated increase or decrease of earnings of more than recent average size and any changes in dividends;

(g) any other change in the affairs of the corporation that could reasonably be expected to affect materially the value of the shares.

Short title      **2.** This Act may be cited as *The Securities Amendment Act, 1972*.







An Act to amend The Securities Act

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*1st Reading*

May 30th, 1972

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

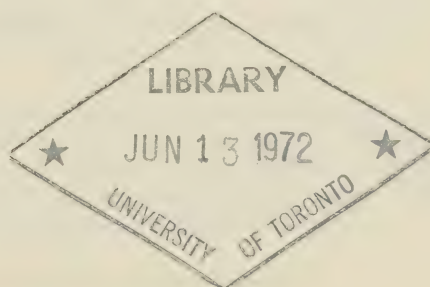
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(*Private Member's Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 III

## An Act to amend The Ministry of Agriculture and Food Act

THE HON. W. A. STEWART  
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The section added grants authority to the Lieutenant Governor in Council to guarantee repayment of loans made,

- (a) to farmers to enable them to purchase or retain female breeding stock for beef production; and
- (b) to milk and cream producers to enable them to acquire market sharing quotas, dairy cows or bred dairy heifers.

Payments that may be made under the guarantee are limited to the principal amount of the loan in default, plus interest, and fees, disbursements and other expenses reasonably incurred in collection.



BILL 151

1972

## An Act to amend The Ministry of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is amended <sup>s. 5a enacted</sup> by adding thereto the following section:

5a.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding the principal sum of \$15,000, together with interest thereon, <sup>Guarantee of loans</sup>

(a) made to farmers to enable them to purchase or retain female breeding stock for beef production; or

(b) made to producers of milk or cream to enable them to acquire,

(i) market sharing quotas allotted under *The Milk Act* to complement the <sup>R.S.O. 1970, c. 273</sup> *Canadian Dairy Commission Act* <sup>R.S.C. 1970, cc. C-7, A-7</sup> (Canada) and the *Agricultural Products Marketing Act* (Canada), or

(ii) dairy cows or bred dairy heifers.

(2) The form and manner of such guarantee shall be <sup>Form of guarantee</sup> such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof

and interest thereon guaranteed according to the terms of the guarantee.

Payment of  
guarantee

- (3) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Payment of  
loss  
sustained

- (4) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, subject to such terms and conditions as he may prescribe, authorize the payment by the Province of Ontario out of the moneys appropriated therefor by the Legislature, of the whole or any part of the loss sustained by a person to whom a guarantee is given in collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Payment of  
loss  
limited

- (5) Payment of loss under subsection 4 is limited to,
- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to his solicitor respecting matters for which costs may be taxed under the Rules of Practice of the Supreme Court of Ontario; and
  - (b) expenses, other than those referred to in clause *a*, that are reasonably and necessarily incurred in the course of collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Commence-  
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

- 3.** This Act may be cited as *The Ministry of Agriculture and Food Amendment Act, 1972*.







An Act to amend  
The Ministry of Agriculture and Food Act

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*1st Reading*

June 1st, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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*(Government Bill)*

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BILL 151

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

An Act to amend The Ministry of Agriculture and Food Act



THE HON. W. A. STEWART  
Minister of Agriculture and Food





BILL 151

1972

## An Act to amend The Ministry of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

5a.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding the principal sum of \$15,000, together with interest thereon,

(a) made to farmers to enable them to purchase or retain female breeding stock for beef production; or

(b) made to producers of milk or cream to enable them to acquire,

(i) market sharing quotas allotted under *The Milk Act* to complement the *Canadian Dairy Commission Act* (Canada) and the *Agricultural Products Marketing Act* (Canada), or

(ii) dairy cows or bred dairy heifers.

(2) The form and manner of such guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof

and interest thereon guaranteed according to the terms of the guarantee.

Payment of  
guarantee

- (3) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Payment of  
loss  
sustained

- (4) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, subject to such terms and conditions as he may prescribe, authorize the payment by the Province of Ontario out of the moneys appropriated therefor by the Legislature, of the whole or any part of the loss sustained by a person to whom a guarantee is given in collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Payment of  
loss  
limited

- (5) Payment of loss under subsection 4 is limited to,
- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to his solicitor respecting matters for which costs may be taxed under the Rules of Practice of the Supreme Court of Ontario; and
  - (b) expenses, other than those referred to in clause *a*, that are reasonably and necessarily incurred in the course of collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

**3.** This Act may be cited as *The Ministry of Agriculture and Food Amendment Act, 1972*.







An Act to amend  
The Ministry of Agriculture and Food Act

*1st Reading*

June 1st, 1972

*2nd Reading*

June 20th, 1972

*3rd Reading*

June 21st, 1972

THE HON. W. A. STEWART  
Minister of Agriculture and Food

*(Government Bill)*



## BILL 152

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 III

An Act to confirm the Revised Statutes of Ontario, 1970

THE HON. D. A. BALES  
Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Act is to confirm the Revised Statutes of Ontario, 1970 as printed by the Queen's Printer and Publisher.

BILL 152

1972

## An Act to confirm the Revised Statutes of Ontario, 1970

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Revised Statutes of Ontario, 1970, as printed by the Queen's Printer and Publisher, shall be deemed to have come into force and to have had effect as law on the 1st day of September, 1971. R.S.O. 1970, confirmed

**2.** The enactments mentioned in Schedule A appended to the Revised Statutes of Ontario, 1970, shall be deemed to have been repealed on the 1st day of September, 1971, to the extent mentioned in the third column of the Schedule. Repeal of certain enactments confirmed

**3.** The Legislature shall not, by reason of the passing of this Act, be deemed to have adopted the construction which, by judicial decision or otherwise, may have been placed upon the language of any Act in the Revised Statutes of Ontario, 1970, or upon similar language. Judicial interpretation

**4.** The Statutes of the Province of Ontario enacted at the Fourth Session of the Twenty-Eighth Legislature of Ontario as printed by the Queen's Printer and Publisher in Volume II of the Statutes of Ontario, 1971 shall be deemed to have come into force and to have had effect as law as provided therein. 1971 Statutes Vol. II confirmed

**5.** This Act comes into force on the day it receives Royal Assent. Commencement

**6.** This Act may be cited as *The Revised Statutes Confirmation Act, 1972*. Short title

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An Act to confirm the  
Revised Statutes of Ontario, 1970

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*1st Reading*

June 1st, 1972

*2nd Reading*

*3rd Reading*

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THE HON. D. A. BALES  
Attorney General

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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

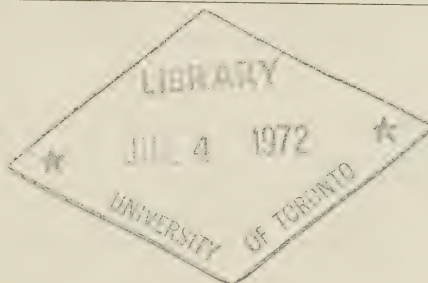
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An Act to confirm the Revised Statutes of Ontario, 1970

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THE HON. D. A. BALES  
Attorney General

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BILL 152

1972

## An Act to confirm the Revised Statutes of Ontario, 1970

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Revised Statutes of Ontario, 1970, as printed by the Queen's Printer and Publisher, shall be deemed to have come into force and to have had effect as law on the 1st day of September, 1971. R.S.O. 1970,  
confirmed

**2.** The enactments mentioned in Schedule A appended to the Revised Statutes of Ontario, 1970, shall be deemed to have been repealed on the 1st day of September, 1971, to the extent mentioned in the third column of the Schedule. Repeal of  
certain  
enactments  
confirmed

**3.** The Legislature shall not, by reason of the passing of this Act, be deemed to have adopted the construction which, by judicial decision or otherwise, may have been placed upon the language of any Act in the Revised Statutes of Ontario, 1970, or upon similar language. Judicial  
interpre-  
tation

**4.** The Statutes of the Province of Ontario enacted at the Fourth Session of the Twenty-Eighth Legislature of Ontario as printed by the Queen's Printer and Publisher in Volume II of the Statutes of Ontario, 1971 shall be deemed to have come into force and to have had effect as law as provided therein. 1971  
Statutes  
Vol. II  
confirmed

**5.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**6.** This Act may be cited as *The Revised Statutes Confirmation Act, 1972*. Short title



An Act to confirm the  
Revised Statutes of Ontario, 1970

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*1st Reading*

June 1st, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

June 13th, 1972

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THE HON. D. A. BALES  
Attorney General

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 III

**An Act to confirm the  
Revised Regulations of Ontario, 1970**

THE HON. D. A. BALES  
Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

This Act is to confirm the Revised Regulations of Ontario, 1970 as printed and published by the Queen's Printer and Publisher.

BILL 153

1972

## An Act to confirm the Revised Regulations of Ontario, 1970

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Revised Regulations of Ontario, 1970, as printed <sup>R.R.O. 1970, confirmed</sup> by the Queen's Printer and Publisher, shall be deemed to be valid and to have come into force on the 15th day of November, 1971.

(2) The regulations published in a special issue of *The Ontario Gazette*, dated the 4th day of December, 1971, shall be deemed <sup>Certain regulations confirmed</sup> to be valid and to have come into force on the 15th day of November, 1971.

**2.** Section 1 does not validate any Regulation or part <sup>Exception</sup> thereof that has been made without authority.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**4.** This Act may be cited as *The Revised Regulations* <sup>Short title</sup> *Confirmation Act, 1972*.

An Act to confirm the  
Revised Regulations of Ontario, 1970

*1st Reading*  
June 1st, 1972

*2nd Reading*

*3rd Reading*

THE HON. D. A. BALES  
Attorney General

(*Government Bill*)

## BILL 153

Government  
Publications

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 ||

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**An Act to confirm the  
Revised Regulations of Ontario, 1970**

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THE HON. D. A. BALES  
Attorney General

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BILL 153

1972

**An Act to confirm the  
Revised Regulations of Ontario, 1970**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Revised Regulations of Ontario, 1970, as printed <sup>R.R.O. 1970,  
confirmed</sup> by the Queen's Printer and Publisher, shall be deemed to be valid and to have come into force on the 15th day of November, 1971.

(2) The regulations published in a special issue of *The Ontario Gazette*, dated the 4th day of December, 1971, shall be deemed <sup>Certain  
regulations  
confirmed</sup> to be valid and to have come into force on the 15th day of November, 1971.

**2.** Section 1 does not validate any Regulation or part <sup>Exception</sup> thereof that has been made without authority.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**4.** This Act may be cited as *The Revised Regulations* <sup>Short title</sup> *Confirmation Act, 1972*.

# BILL 153

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An Act to confirm the  
Revised Regulations of Ontario, 1970

---

*1st Reading*  
June 1st, 1972

*2nd Reading*  
June 13th, 1972

*3rd Reading*  
June 13th, 1972

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THE HON. D. A. BALES  
Attorney General

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BILL 154

Government Bill

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## The Securities Act, 1972

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Bill is a revision of *The Securities Act*.

It implements many of the recommendations of the Report of the Canadian Committee on Mutual Funds and Investment Contracts (Mutual Fund Report).

The Bill also implements the "cornerstone" prospectus recommendations made in the Report of the Committee of the Ontario Securities Commission on problems of disclosure raised for investors by business combinations and private placements (Merger Study).

The Bill is introduced for the purpose of inviting study and public comment before it proceeds further.

See Table of Contents on page 106.

BILL 154

1972

## The Securities Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### INTERPRETATION

#### 1.—(1) In this Act,

Interpre-  
tation

1. “adviser” means a person or company engaging in or holding itself out as engaging in the business of advising others as to the advisability of investing in or buying or selling securities; R.S.O. 1970, c. 426, s. 1 (1), par. 1.
2. “associate”, where used to indicate a relationship with any person or company means,
  - i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
  - ii. any partners of that person or company acting by or for the partnership of which they are both partners,
  - iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
  - iv. any spouse, son or daughter of that person, or
  - v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person; 1971, c. 31, s. 1 (1).

3. "Commission" means the Ontario Securities Commission; R.S.O. 1970, c. 426, s. 1 (1), par 3.
4. "company" means any incorporated corporation, incorporated association, incorporated syndicate or other incorporated organization; R.S.O. 1970, c. 426, s. 1 (1), par. 4.
5. "contract" where used with reference to a mutual fund includes a trust agreement, declaration of trust or other similar instrument;
6. "contractual plan" means any contract or arrangement for the purchase of shares or units of a mutual fund either by instalments paid on a regular basis over a specified period or by a specified number of instalments, if the amount deducted for sales charges from the initial instalment alone or the initial and a specified number of consecutive instalments is greater than it would have been if sales charges had been deducted at a constant rate over the life of the contract or arrangement;
7. "contractual plan service company" means a person or company that sponsors or administers a contractual plan; *New*.
8. "dealer" means a person or company who trades in securities in the capacity of principal or agent; R.S.O. 1970, c. 426, s. 1 (1), par. 5.
9. "Director" means the Director or any Deputy Director of the Commission; R.S.O. 1970, c. 426, s. 1 (1), par. 6.
10. "distribution" where used in relation to trading in securities, means,
  - i. a trade that is made for the purpose of distributing securities of a person or company and not previously issued, or
  - ii. a trade in previously issued securities which form all or part of or are derived from the holdings of any person, company or combination of persons or companies holding a sufficient number of any securities of a person or company to affect materially the control of such person or company but any person, company or combination of persons or companies holding more than 20 per cent of all

outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to affect materially the control of such company,

whether such trade is made directly or indirectly through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution; R.S.O. 1970, c. 426, s. 1 (1); 1971, c. 31, s. 1 (2), *amended*.

11. "distribution contract" means a contract under which a mutual fund grants to a person or company the right to purchase the shares or units of the mutual fund for resale or to sell the shares or units of the mutual fund on behalf of the mutual fund; *New*.
12. "equity share" means any share of any class of shares of a company carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
13. "form of proxy" means a written or printed form that, upon completion and execution by or on behalf of a shareholder, becomes a proxy;
14. "individual" means a natural person, but does not include a trustee, partnership, unincorporated association, unincorporated organization, unincorporated syndicate, executor, administrator or other legal personal representative; R.S.O. 1970, c. 426, s. 1 (1), pars. 7-9.
15. "issuer" includes any person, or company, other than a private company, that has outstanding, issues or proposes to issue any security;
16. "management company" means a person or company that provides administrative or investment management services or both or investment advice to a mutual fund under a contract for a fee;
17. "management contract" means a contract under which a mutual fund is provided with administrative or investment management services or both or investment advice, for a fee; *New*.



18. "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned; R.S.O. 1970, c. 426, s. 1 (1), par. 10, *amended*.
19. "mutual fund" includes any person or company or portfolio of assets, such as a separate fund or trust account, that has outstanding, issues or proposes to issue securities that entitle the holder to receive on demand, or within a specified period after demand, an amount computed by reference to the value of a proportionate interest in the assets of the issuer of such securities; *New*.
20. "officer" means the chairman or any vice-chairman of the board of directors, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer or general manager of a company, or any other person designated an officer of a company by by-law or similar authority; R.S.O. 1970, c. 426, s. 1 (1), par. 11.
21. "person" means an individual, partnership, unincorporated association, unincorporated organization, trust, trustee, executor, administrator or other legal personal representative; R.S.O. 1970, c. 426, s. 1 (1), par. 12, *amended*.
22. "private company" means a company in whose instrument of incorporation,
  - i. the right to transfer its shares is restricted,
  - ii. the number of its shareholders, exclusive of persons who are in its employment and exclusive of persons who, having been formerly in the employment of the company, were, while in that employment, and have continued after the termination of that employment to be, shareholders of the company, is limited to not more than fifty, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder, and
  - iii. any invitation to the public to subscribe for its securities is prohibited;
23. "promoter" means,
  - i. a person or company that, acting alone or in conjunction with one or more other persons, companies or a combination thereof, directly

or indirectly takes the initiative in founding, organizing or substantially reorganizing the business or enterprise of a person or company, or

- ii. a person or company that, in connection with the founding, organizing or substantial reorganizing of the business or enterprise of a person or company, directly or indirectly receives in consideration of services or property, or both services and property, 10 per cent or more of any class of securities of the person or company or 10 per cent or more of the proceeds from the sale of any class of securities of a particular issue; provided that a person or company who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this definition if such person or company does not otherwise take part in founding, organizing or substantially reorganizing the business or enterprise;
- 24. "proxy" means a completed and executed form of proxy by means of which a shareholder has appointed a person as his nominee to attend and act for him and on his behalf at a meeting of shareholders;
  - 25. "public company" means a company that is not a private company;
  - 26. "register" means register under this Act, and "registered" has a corresponding meaning;
  - 27. "registrant" means a person or company registered or required to be registered under this Act;
  - 28. "regulations" means the regulations made under this Act; R.S.O. 1970, c. 426, s. 1 (1), pars. 14-20.
  - 29. "reporting issuer" means an issuer in respect of the affairs of which a preliminary cornerstone statement and cornerstone statement have been filed with the Commission and receipts therefor obtained from the Director; *New*.
  - 30. "salesman" means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of such dealer; R.S.O. 1970, c. 426, s. 1 (1), par. 21.

31. "Secretary" means the Secretary to the Commission;  
*New.*

32. "security" includes,

- i. any document, instrument or writing commonly known as a security,
- ii. any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company,
- iii. any document constituting evidence of an interest in an association of legatees or heirs,
- iv. any document constituting evidence of an option, subscription or other interest in or to a security,
- v. any bond, debenture, note or other evidence of indebtedness, share, stock, unit, unit certificate, participation certificate, certificate of share or interest, pre-organization certificate subscription and any agreement under which the redemption price or value for the purpose of conversion is computed by reference to the value of a proportionate interest in a specified portfolio of assets,
- vi. any agreement providing that money received will be repaid or treated as a subscription to shares, stock, units or interests at the option of the recipient or of any person or company,
- vii. any certificate of share or interest in a trust, estate or association,
- viii. any profit-sharing agreement or certificate,
- ix. any certificate of interest in an oil, natural gas or mining lease, claim or royalty voting trust certificate,
- x. any oil or natural gas royalties or leases or fractional or other interest therein,
- xi. any collateral trust certificate,
- xii. any income or annuity contract not issued by an insurance company or an issuer within the meaning of *The Investment Contracts Act*,

- xiii. any investment contract, other than an investment contract within the meaning of *The Investment Contracts Act*, and
- xiv. any document constituting evidence of an interest in a scholarship or educational plan or trust,

whether any of the foregoing relate to a person, proposed company or company, as the case may be; R.S.O. 1970, c. 426, s. 1 (1), par. 22, *amended*.

33. "senior officer" means,

- i. the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a company or any other individual who performs functions for the company similar to those normally performed by an individual occupying any such office, and
- ii. each of the five highest paid employees of a company, including any individual referred to in subparagraph i; R.S.O. 1970, c. 426, s. 1 (1), par 23;

34. "trade" or "trading" includes,

- i. any sale or disposition of or other dealing in or any solicitation in respect of a security for valuable consideration, whether the terms of payment be on margin, instalment or otherwise, or any attempt to do one of the foregoing,
- ii. any participation as a floor trader in any transaction in a security upon the floor of any stock exchange,
- iii. any receipt by a person or company registered for trading in securities under this Act of an order to buy or sell a security, and
- iv. any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing; R.S.O. 1970, c. 426, s. 1 (1), par. 24.

35. "underwriter" means a person or company who, as principal, purchases securities from an issuer with a view to, or who as agent for an issuer offers for sale or sells securities in connection with, a distribution of

such securities and includes a person or company who has a direct or indirect participation in any such distribution, but does not include,

- i. a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter,
- ii. a mutual fund that accepts its own shares for surrender pursuant to section 37 of *The Business Corporations Act* or other similar legislation, and resells those shares pursuant to subsection 3 of section 38 of that Act, or other similar legislation, or
- iii. a company that purchases its own common shares pursuant to subsection 1 of section 39 of *The Business Corporations Act* or other similar legislation, and resells those shares pursuant to subparagraph ii of clause *b* of subsection 1 of section 40 of that Act or other similar legislation. R.S.O. 1970, c. 426, s. 1 (1), par. 25; 1971, c. 31, s. 1, *amended*.

R.S.O. 1970,  
c. 53

Affiliated  
companies

(2) A company shall be deemed to be an affiliate of another company if one of them is the subsidiary of the other or if both are subsidiaries of the same company or if each of them is controlled by the same person or company.

Controlled  
companies

(3) A company shall be deemed to be controlled by another person or company or by two or more companies if,

- (a) equity shares of the first-mentioned company carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of such other person or company or by or for the benefit of such other companies; and
- (b) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned company.

Subsidiary  
companies

(4) A company shall be deemed to be a subsidiary of another company if,

- (a) it is controlled by,
  - (i) that other, or



- (ii) that other and one or more companies each of which is controlled by that other, or
  - (iii) two or more companies each of which is controlled by that other; or
- (b) it is a subsidiary of a company that is that other's subsidiary.

(5) A company shall be deemed to be another's holding <sup>Holding companies</sup> company or parent company if that other is its subsidiary.

(6) A person shall be deemed to own beneficially securities <sup>Beneficial ownership of securities</sup> beneficially owned by a company controlled by him or by an affiliate of such company.

(7) A company shall be deemed to own beneficially <sup>Idem</sup> securities beneficially owned by its affiliates. R.S.O. 1970, c. 426, s. 1 (2-7).

## PART II

### THE COMMISSION

**2.—**(1) The Commission, which shall be responsible for the <sup>Commission</sup> administration of this Act, shall be composed of a Chairman and not more than seven other members, one of whom shall be designated as Vice-Chairman. R.S.O. 1970, c. 426, s. 2 (1); 1971, c. 31, s. 2.

(2) The members of the Commission shall be appointed by <sup>Appointment</sup> the Lieutenant Governor in Council.

(3) Two members of the Commission constitute a quorum. <sup>Quorum</sup> R.S.O. 1970, c. 426, s. 2 (2, 3).

**3.—**(1) The Chairman, who shall be the chief executive <sup>Chairman and members</sup> officer of the Commission, shall devote his full time to the work of the Commission, and the other members shall devote time as may be necessary for the due performance of their duties as members of the Commission.

(2) The Chairman, Vice-Chairman or any member of the <sup>Delegation of powers and duties</sup> Commission may exercise the powers and shall perform such duties vested in or imposed upon the Commission by this Act or the regulations as are assigned to him by the Commission, except those referred to in sections 10 and 14 to 20.

(3) Every direction, decision, order or ruling made pursuant <sup>Review</sup> to an assignment under subsection 2 is subject to review by the Commission under section 10 in the same manner as if

it had been made by the Director, and the person who made the direction, decision, order or ruling shall not sit on the hearing and review thereof by the Commission. R.S.O. 1970, c. 426, s. 3.

Appointment  
of experts

4.—(1) The Commission may appoint one or more experts to assist the Commission in such manner as it may deem expedient.

Submission  
of documents  
to experts

(2) The Commission may submit any agreement, cornerstone statement, offering circular, financial statement, report or other document to one or more experts appointed under subsection 1 for examination, and the Commission has the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission, and subsections 3 and 4 of section 14 apply *mutatis mutandis*.

Payment  
for services

(3) An expert appointed under subsection 1 shall be paid such amounts for services and expenses as the Lieutenant Governor in Council may determine. R.S.O. 1970, c. 426, s. 13.

### PART III

#### FINANCIAL DISCLOSURE ADVISORY BOARD

Securities  
Commission  
Advisory  
Board

5.—(1) There shall be a board of not more than five members to be known as The Financial Disclosure Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure, and the Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Board.

Meetings

(2) The Advisory Board shall meet at the call of the Commission.

Duties

(3) The Advisory Board shall, when requested by the Commission, consult with and advise the Commission concerning the financial disclosure requirements of this Act and the regulations.

Allowances  
and  
expenses

(4) The members of the Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary expenses, as certified by the chairman, for attending at meetings and in the transaction of the business of the Advisory Board. R.S.O. 1970, c. 426, s. 146.



## PART IV

## THE DIRECTOR

**6.** The Director or any Deputy Director may exercise the <sup>Functions of Director</sup> powers and shall perform the duties vested in or imposed upon him by this Act, and he may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned to him by the Commission except those referred to in sections 10 and 14 to 20, and, subject to the direction of the Commission, he shall be the chief administrative officer of the Commission. R.S.O. 1970, c. 426, s. 4.

**7.** The Director shall cause all cash, cheques, money orders <sup>Director to make deposits</sup> and postal notes to be deposited with the Treasurer of Ontario for payment into the Consolidated Revenue Fund. R.S.O. 1970, c. 426, s. 16.

**8.** Where, Refunds

- (a) an application for registration or renewal of registration is abandoned; or
- (b) a cornerstone statement or an offering circular is withdrawn,

the Director may, upon the application of the person or company who made the application or filed the cornerstone statement or offering circular, recommend to the Treasurer of Ontario that a refund of the fee paid on the making of the application or the filing of the cornerstone statement or offering circular or such part thereof as he deems fair and reasonable be made, and the Treasurer may make such refund from the Consolidated Revenue Fund. R.S.O. 1970, c. 426, s. 17, *amended*.

## PART V

## ADMINISTRATIVE PROCEEDINGS AND APPEALS

**9.** The provisions of *The Statutory Powers Procedure Act*, <sup>Procedure as to hearings</sup> 1971, apply *mutatis mutandis* to every hearing required or permitted under this Act to be held by or before the Commission or the Director. R.S.O. 1970, c. 426, s. 5, *amended*. 1971, c. 47

**10.—(1)** Any person or company primarily affected by a <sup>Review by Commission</sup> direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission

within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission. R.S.O. 1970, c. 426, s. 28 (1); 1971, c. 31, s. 5.

Power on  
review

(2) Upon a hearing and review, the Commission may by order confirm the direction, decision, order or ruling under review or make such other direction, decision, order or ruling as the Commission deems proper. R.S.O. 1970, c. 426, s. 28 (2).

Appeal

**11.**—(1) Any person or company primarily affected by a direction, decision, order or ruling of the Commission, other than a ruling under section 95, may appeal to the Court of Appeal. R.S.O. 1970, c. 426, s. 29 (1).

Form of  
appeal

(2) Every appeal shall be by notice of motion sent by registered mail to the Commission within thirty days after the mailing of the notice of the order, and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure that shall be applicable to appeals taken under this Act. R.S.O. 1970, c. 426, s. 29 (2), *amended*.

Certificate  
of  
Secretary

(3) The Secretary shall certify to the Registrar of the Supreme Court,

- (a) the direction, decision, order or ruling that has been reviewed by the Commission;
- (b) the order of the Commission, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Commission or other material that is relevant to the appeal. R.S.O. 1970, c. 426, s. 29 (3), *amended*.

Counsel

(4) The Minister may appoint counsel to assist the Court of Appeal upon the hearing of any appeal under this section.

Order of  
Court of  
Appeal

(5) Where an appeal is taken under this section, the Court of Appeal may by its order direct the Commission to make such direction, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the Court deems proper, having regard to the material and submissions before

it and to this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly.

(6) Notwithstanding an order of the Court of Appeal, the Commission has power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances, and every such direction, decision, order or ruling is subject to this section. Commission may make further direction, etc.  
 R.S.O. 1970, c. 426, s. 29 (4-6).

**12.—**(1) There shall be a Secretary who shall,

Functions of Secretary

- (a) accept service of all notices or other documents on behalf of the Commission;
- (b) when authorized by the Commission, sign any direction, decision, order or ruling made by the Commission as a result of a hearing;
- (c) certify under his hand any direction, decision, order or ruling made by the Commission or any document, record or thing used in connection with any hearing by the Commission where certification is required for a purpose other than that stated in subsection 3 of section 11; and
- (d) exercise such other powers as are vested in him by this Act or the regulations and perform such other duties as are imposed upon him by this Act or the regulations or by the Commission.

(2) Where the Secretary is absent from office for any reason, the Commission may appoint another person to perform his duties and the person appointed may exercise all the powers vested in the Secretary by this Act or the regulations. Appointment of substitute secretary

(3) A certificate purporting to be signed by the Secretary or by a person appointed under subsection 2 is, without proof of the office or signature certifying, receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. *New.* Admissibility in evidence of Secretary's certificate

**13.** Any notice or other document required by this Act or any other law to be served upon the Commission shall be deemed to have been duly served if it is served upon the Secretary. *New.* Service on Commission, Secretary

## PART VI

## INVESTIGATIONS

Order to  
investigate

**14.**—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1972,  
c. C-34

(b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in securities,

the Commission may by order appoint any person to make such investigation as it deems expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

Idem

(2) The Commission may, by order, appoint any person to make such investigation as it deems expedient for the due administration of this Act or into any matter relating to trading in securities, and in such order shall determine and prescribe the scope of the investigation.

Scope of  
investigation

(3) For the purposes of any investigation order under this section, the person appointed to make the investigation may investigate, inquire into and examine,

(a) the affairs of the person or company in respect of which the investigation is being made and any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person or company and any property, assets or things owned, acquired or alienated in whole or in part by such person or company or by any person or company acting on behalf of or as agent for such person or company; and

(b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with any such person or company and the relationship that may at any time exist or have existed between such person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the



transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

(4) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court for the trial of civil actions, and the failure or refusal of a person to attend, to answer questions or to produce such documents, records and things as are in his custody or possession makes the person liable to be committed for contempt by a judge of the Supreme Court as if in breach of an order or judgment of the Supreme Court, provided that no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operation of this section. Power to summon witnesses and require production R.S.O. 1970, c. 151

(5) A person giving evidence at an investigation under this section may be represented by counsel. Counsel

(6) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person or company whose affairs are being investigated. Seizure of property

(7) Where any documents, records, securities or other property are seized under subsection 6, such documents, records, securities or other property will be made available for inspection and copying by the person or company from whom seized at a mutually convenient time and place. Inspection of property

(8) Where an investigation is ordered under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company whose affairs are being investigated. Accountants, other experts

(9) Every person appointed under subsection 1, 2 or 8 shall report the result of his investigation or examination to the Commission. R.S.O. 1970, c. 426, s. 21. Report of investigation

**15.** Where upon the report of an investigation made under section 14 it appears to the Commission that any person or company may have, Report to Minister

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to securities, R.S.C. 1970, c. C-34

the Commission shall send a full and complete report of the investigation, including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Minister. R.S.O. 1970, c. 426, s. 22.

Investigation  
under order  
of Minister

**16.** Notwithstanding section 14, the Minister may by order appoint any person to make such investigation as he deems expedient for the due administration of this Act or into any matter relating to trading in securities, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights, and privileges as a person appointed under section 14. R.S.O. 1970, c. 426, s. 23.

Evidence not  
to be disclosed

**17.** No person, without the consent of the Commission, shall disclose, except to his counsel, any information or evidence obtained or the name of any witness examined or sought to be examined under section 14 or 16. R.S.O. 1970, c. 426, s. 24.

Reporting to  
Minister,  
publication  
of report

**18.** Where an investigation has been made under section 14, the Commission may, and, where an investigation has been made under section 16, the person making the investigation shall report the result thereof, including the evidence, findings, comments and recommendations, to the Minister, and the Minister may cause the report to be published in whole or in part in such manner as he deems proper. R.S.O. 1970, c. 426, s. 25.

Order to  
hold or  
refrain from  
dealing with  
funds

**19.—(1)** The Commission may,

- (a) where it is about to order an investigation under section 14 or during or after an investigation under section 14 or 16;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in

clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction. R.S.O. 1970, c. 426, s. 26 (1); 1971, c. 31, s. 4.

R.S.C. 1970,  
cc. B-3, W-10,  
R.S.O. 1970,  
cc. 228, 89, 53,

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security or in the case of a claim being made thereto by any person or company not named in the direction, may apply to a judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

Application  
for direction

(3) In any of the circumstances mentioned in clause *a*, *b* or *c* of subsection 1, the Commission may in writing or by telegram notify any registrar of deeds, master of titles or mining recorder that proceedings are being or are about to be taken that may affect land or mining claims belonging to the person or company referred to in the notice, which notice shall be registered or recorded against the lands or claims mentioned therein and has the same effect as the registration or recording of a certificate of *lis pendens* or a caution, provided that the Commission may in writing revoke or modify the notice. R.S.O. 1970, c. 426, s. 26 (2, 3).

Notice to  
registrars  
of deeds,  
etc.

**20.—**(1) The Commission may,

(a) where it is about to order an investigation under section 14 or during or after an investigation under section 14 or 16;

Application  
for appoint-  
ment of  
receiver,  
receiver and  
manager, or  
trustee

(b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or



(c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company that in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company;

(d) where a person or company fails or neglects to comply with the minimum net asset requirements, investment restrictions or minimum capital requirements prescribed by the regulations for such person or company,

apply to a judge of the Supreme Court for the appointment of a receiver or a receiver and manager or a trustee of the property of such person or company. R.S.O. 1970, c. 426, s. 27 (1), *amended*.

**Appointment**

(2) Upon an application made under subsection 1, the judge may, where he is satisfied that the appointment of a receiver or a receiver and manager or a trustee of the property of any person or company is in the best interests of the creditors of such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, or, in a proper case, of the shareholders or unit holders or of subscribers to such person or company, appoint a receiver or a receiver and manager or a trustee of the property of such person or company. R.S.O. 1970, c. 426, s. 27 (2), *amended*.

***Ex parte*  
application**

(3) Upon an *ex parte* application made by the Commission under this section, the judge may make an order under subsection 2 appointing a receiver or a receiver and manager or a trustee for a period not exceeding eight days.

**Powers of  
receiver,  
receiver and  
manager, or  
trustee**

(4) A receiver or a receiver and manager or a trustee of the property of any person or company appointed under this section shall be the receiver or the receiver and manager or the trustee of all the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver or the receiver and manager or the trustee shall have authority, if so directed by the judge, to wind-up or manage the business and affairs of the person or company and all powers necessary or incidental thereto.

**Enforcement  
of order**

(5) An order made under this section may be enforced in the same manner as any order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

(6) Upon an application made under this section, the rules of practice of the Supreme Court apply. R.S.O. 1970, c. 426, s. 27 (3-6). <sup>Rules of practice to apply</sup>

## PART VII

### AUDITS

**21.**—(1) Notwithstanding anything in sections 22, 23 and 24, the Commission may in writing appoint any person to examine at any time, <sup>Commission may make examinations and audits</sup>

(a) the affairs of a registrant or an issuer; and

(b) the books and records of a custodian of assets of a mutual fund or of a custodian of shares or units of a mutual fund under a custodial agreement or other arrangement with a person or company engaged in the distribution of shares or units of the mutual fund,

and prepare such financial or other statements and reports as may be required by the Commission. R.S.O. 1970, c. 426, s. 33 (1).

(2) The person making an examination under this section is entitled to free access to all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company whose affairs are being examined, and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination. R.S.O. 1970, c. 426, s. 33 (2), *amended*. <sup>Access to books, securities, etc.</sup>

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section. R.S.O. 1970, c. 426, s. 33 (3). <sup>Fees</sup>

## PART VIII

### SELF-REGULATION—GENERALLY

**22.** Every stock exchange in Ontario recognized by the Commission, the Ontario District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall, <sup>Panel of auditors</sup>

(a) select a panel of auditors each of whom shall have practised as such in Ontario for not fewer than five years and shall be known as a panel auditor or members' auditor; and

- (b) employ an exchange auditor, district association auditor or association auditor, as the case may be, whose appointment is subject to the approval of the Commission, and the appointee shall be an auditor who has practised as such in Ontario for not fewer than ten years. R.S.O. 1970, c. 426, s. 30.

Audits by  
stock ex-  
changes and  
associations

**23.**—(1) Every stock exchange in Ontario recognized by the Commission, the Ontario District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under section 22 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, district association auditor or association auditor, as the case may be.

Auditing by-  
laws, etc., to  
be satis-  
factory to  
Commission

(2) The by-laws, rules and regulations of every stock exchange in Ontario recognized by the Commission, the rules and regulations of the Ontario District of the Investment Dealers' Association of Canada and the regulations of the Broker-Dealers' Association of Ontario in respect of the practice and procedure of the examinations under subsection 1 and the actual conduct of the examinations shall be satisfactory to the Commission. R.S.O. 1970, c. 426, s. 31.

Annual  
financial  
statement,  
filing

**24.** Every registrant whose financial affairs are not subject to examination under section 23 shall keep such books and records as are necessary for the proper recording of his business transactions and financial affairs and shall file with the Commission annually and at such other time or times as the Commission may require a financial statement satisfactory to the Commission as to his financial position, certified by such registrant or an officer or partner of such registrant and reported upon by the auditors of such registrant, and such other information as the Commission may require in such form as it may prescribe. R.S.O. 1970, c. 426, s. 32.

## PART IX

### STOCK EXCHANGES

Recognition  
of stock  
exchanges

**25.**—(1) No person or company shall carry on business as a stock exchange in Ontario unless such stock exchange is recognized in writing as such by the Commission.

Commission  
orders re  
stock  
exchanges

(2) The Commission may, where it appears to it to be in the public interest, make any direction, order, determination or ruling,

- (a) with respect to the manner in which any stock exchange in Ontario carries on business;
- (b) with respect to any by-law, ruling, instruction or regulation of any such stock exchange;
- (c) with respect to trading on or through the facilities of any such stock exchange or with respect to any security listed and posted for trading on any such stock exchange; or
- (d) to ensure that companies whose securities are listed and posted for trading on any such stock exchange comply with this Act and the regulations.

(3) Any person or company who feels aggrieved by any direction, order or decision made under any by-law, rule or regulation of a stock exchange in Ontario may apply to the Commission for a hearing and review thereof and section 10 applies to the hearing and review in the same manner as to the hearing and review of a direction, decision, order or ruling of the Director. R.S.O. 1970, c. 426, s. 140.

**26.** Every stock exchange in Ontario shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which the transaction took place and verification or otherwise of the matters set forth in the confirmation. R.S.O. 1970, c. 426, s. 141.

## PART X

### REGISTRATION TO TRADE

**27.—(1)** No person or company shall,

- (a) trade in a security unless such person or company is registered as a dealer, or as a salesman of a registered dealer;
- (b) act as a partner or officer of or on behalf of a person or company in connection with a trade in a security by such person or company unless such person or company is registered for trading in securities;
- (c) act as a salesman of or on behalf of a person or company in connection with a trade in a security by such person or company unless he is registered as a

Review of decisions of stock exchange  
Stock exchange records and particulars of transactions  
Persons and companies required to register for trading in securities



salesman of such person or company and such person or company is registered as a dealer;

R.S.C. 1970,  
c. B-1

- (d) act as an underwriter unless such person or company is registered as an underwriter, or is a bank to which the *Bank Act* (Canada) applies;
- (e) act as an adviser unless such person or company is registered as an adviser;
- (f) act as a mutual fund unless such person or company is registered as a mutual fund;
- (g) act as a management company unless such company is registered as a management company;
- (h) act as a contractual plan service company unless such company is registered as a contractual plan service company,

and such registration has been made in accordance with this Act and the regulations and such person or company has received written notice of such registration from the Director and, where such registration is subject to terms and conditions, the person or company complies with such terms and conditions. R.S.O. 1970, c. 426, s. 6, *part*.

Persons who  
may act as  
registrant

- (2) No person shall act as a dealer, adviser or underwriter for or on behalf of a person or company that is registered as a dealer, adviser or underwriter except such partners or officers thereof as are designated by the Director.

New partners  
or officers  
must be  
approved

- (3) No individual who becomes a partner or officer of a person or company after such person or company has been registered shall trade in securities until such person or company has received from the Director written permission for such partner or officer so to trade.

Termination  
of  
employment  
of salesman

- (4) The termination of the employment of a salesman with a person or company registered for trading in securities shall operate as a withdrawal of the registration of the salesman until notice in writing has been received by the Director from another person or company registered for trading in securities of the employment of the salesman by such other person or company and the employment has been approved by the Director.

Non-trading  
employees

- (5) The Director may designate as "non-trading" any employee or class of employees of a person or company registered for trading in securities who do not usually sell securities to the public, but the designation may be cancelled as to any

employee or class of employees where the Director is satisfied that any such employee or member of any such class of employees should be required to apply for registration as a salesman. R.S.O. 1970, c. 426, s. 6 (2-5).

**28.**—(1) The Director shall grant registration or renewal of registration to an applicant where in the opinion of the Director the applicant is suitable for registration and the proposed registration is not objectionable.

(2) The Director shall not refuse to grant or refuse to renew registration without giving the applicant an opportunity to be heard. <sup>Refusal of registration</sup>

(3) The Director may in his discretion restrict a registration by imposing terms and conditions thereon and, without limiting the generality of the foregoing, may restrict the duration of a registration and may restrict the registration to trades in certain securities or a certain class of securities. R.S.O. 1970, c. 426, s. 7. <sup>Restrictions on registration</sup>

**29.**—(1) The Commission, after giving the registrant an opportunity to be heard, shall suspend or cancel any registration where in its opinion such action is in the public interest. <sup>Suspension, cancellation</sup>

(2) Where the delay necessary for a hearing under subsection 1 would, in the opinion of the Commission, be prejudicial to the public interest, the Commission may suspend the registration without giving the registrant an opportunity to be heard, in which case it shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 10. R.S.O. 1970, c. 426, s. 8. <sup>Interim suspension</sup>

**30.** A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed. R.S.O. 1970, c. 426, s. 9. <sup>Further application for registration</sup>

**31.** An application for registration shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations. R.S.O. 1970, c. 426, s. 10. <sup>Application to be upon forms with proper fees</sup>

**32.** Every applicant shall state in the application an address for service in Ontario and, except as otherwise provided in this Act, all notices under this Act or the regulations are sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. R.S.O. 1970, c. 426, s. 11. <sup>Address for service</sup>

Further  
information

**33.** The Director may require any further information or material to be submitted by an applicant or a registrant within a specified time and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registrant or any partner, officer, director, governor or trustee of, or any person performing a like function for, or any employee of the applicant or of the registrant to submit to examination under oath by a person designated by the Director. R.S.O. 1970, c. 426, s. 12, *amended*.

Residence

**34.**—(1) The Director may refuse registration to a person if he has not been a resident of Canada for at least one year immediately prior to the date of application for registration and if he is not a resident of Ontario at the date of such application unless at the time of such application such person is registered in a capacity corresponding to that of a dealer, adviser, underwriter or salesman under the securities laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

(2) The Director may refuse registration to a company or partnership if every officer and director or every partner has not been a resident of Canada for at least one year immediately prior to the date of application for registration and if he is not a resident of Ontario at the date of such application unless at the time of such application he is registered in a capacity corresponding to that of a dealer, adviser, underwriter or salesman under the securities laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

Servicemen

(3) For the purposes of this section, a person shall not be deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of the Canadian Forces. R.S.O. 1970, c. 426, s. 14.

Where  
Director to  
be notified

**35.**—(1) Every registered dealer shall, within five days of the event, notify the Director in writing of,

- (a) any change in address for service or any business address;
- (b) (i) any change in the officers or directors, where such dealer is a company, or in the persons having a like capacity, where such dealer is an unincorporated mutual fund, or in the partners, where such dealer is a partnership,



and in the case of resignation, dismissal, severance or termination of employment, the reason therefor, and

- (ii) any change in the shareholders or unit-holders where such dealer is a company or unincorporated mutual fund;
- (c) the commencement and termination of employment of every salesman and, in the case of termination of employment, the reason therefor;
- (d) the opening or closing of any branch office and, in the case of the opening of any branch office, the name and address of the person in charge thereof; and
- (e) any change in the name or address of the person in charge of any branch office. R.S.O. 1970, c. 426, s. 15 (1), *amended*.

(2) Every registered adviser and underwriter shall, within <sup>Idem</sup> five days of the event, notify the Director in writing of,

- (a) any change in address for service or any business address; and
- (b) any change in the officers, directors or shareholders or a company or partners of a partnership.

(3) Every registered salesman shall, within five days of <sup>Idem</sup> the event, notify the Director in writing of,

- (a) any change in his address for service or in his business address; and
- (b) every commencement and termination of his employment by a registrant. R.S.O. 1970, c. 426, s. 15 (2, 3).

(4) Notwithstanding subsections 1 and 2, the Director <sup>Idem</sup> may grant an exemption, upon such terms and conditions as he sees fit, from the requirement to notify the Director of any changes in shareholders or unit-holders if the registrant is an issuer. R.S.O. 1970, c. 426, s. 15 (4), *amended*.

**36.** Registration as an adviser is not required to be obtained by,

- (a) a bank to which the *Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under the *Industrial Development Bank Act* (Canada), or <sup>Exemptions from registration as adviser  
banks, loan, trust and insurance companies  
R.S.C. 1970, cc. B-1, I-9</sup>

R.S.O. 1970  
cc. 254, 224

a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*;

lawyers,  
accountants,  
engineers and  
teachers

(b) a lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his profession;

persons or  
companies  
registered for  
trading in  
securities, etc.

(c) a person or company registered for trading in securities under this Act, or any partner, officer or employee thereof, whose performance of such services is solely incidental to the conduct of his or its business as such;

Certain  
publishers

(d) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commission or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher;

management  
companies

(e) a management company; or

persons or  
companies  
designated  
by the  
regulations

(f) such other persons or companies as are designated by the regulations. R.S.O. 1970, c. 426, s. 18, *part*.

Exemptions  
from  
registration  
as a mutual  
fund

**37.** Registration as a mutual fund is not required to be obtained by,

investment  
clubs

(a) an investment club if,

(i) its shares or units are held by not more than fifty persons,

(ii) it does not pay or give any remuneration under a management contract or in respect of any trade in securities except normal brokerage fees, and

(iii) all of its members are required to make equal contributions for the purpose of financing its operations;

trust  
companies

(b) a trust company registered under *The Loan and Trust Corporations Act* that maintains,

- (i) an account solely to service a retirement savings plan registered under the *Income Tax Act* (Canada), or 1970-71, c. 63 (Can.)
- (ii) a pooled account in respect of which it does not solicit participation;
- (c) such other persons or companies as are designated by the regulations. *New.* persons or companies designated by the regulations

**38.**—(1) Subject to the regulations, registration is not required in respect of the following trades: Trades exempt from registration

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or at a judicial sale. R.S.C. 1970, cc. B-3, W-10  
R.S.O. 1970, cc. 228, 89, 53
2. An isolated trade in a specific security by or on behalf of the owner, for the owners' account, where such trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.
3. A trade where one of the parties is,
  - i. a bank to which the *Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under the *Industrial Development Bank Act* (Canada), R.S.C. 1970, cc. B-1, W-10
  - ii. a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, c. 254,
  - iii. an insurance company licensed under *The Insurance Act*, R.S.O. 1970, c. 224
  - iv. an officer or employee, in the performance of his duties as such, of Her Majesty in right of Canada, or of any province or Territory of Canada, or of any municipal corporation or public board or commission in Canada, or
  - v. a person, other than an individual, or company recognized by the Commission as an exempt purchaser, who purchases or proposes to

purchase as principal for investment only and not with a view to resale or distribution.

4. A trade by or for the account of a pledgee, mortgagee or other encumbrancer for the purpose of liquidating a *bona fide* debt by selling or offering for sale a security pledged, mortgaged or otherwise encumbered in good faith as security for the debt.
5. A trade in a security that may occasionally be transacted by employees of a person or company registered for trading in securities under this Act where the employees do not usually sell securities to the public and have been designated by the Director as "non-trading" employees, either individually or as a class.
6. A trade between a person or company and an underwriter acting as purchaser, or between or among underwriters.
7. A trade in a security by a person or company acting solely through an agent who is a person or company registered for trading in securities under this Act.
8.
  - i. A trade by an issuer in a security of its own issue that is distributed or issued by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,
  - ii. A trade in a security whether of its own issue or not that is distributed or issued by an issuer to holders of its securities as incidental to a *bona fide* re-organization or winding-up of such issuer or distribution of its assets for the purpose of winding-up its affairs, or
  - iii. The sale by an issuer of its securities pursuant to the exercise of a right, transferable or otherwise, granted by the issuer to holders of its securities to purchase additional securities of its own issue if the issuer has given the Commission written notice stating the date, amount, nature and conditions of the proposed sale, including the approximate net proceeds to be derived by the issuer on the basis of such additional securities being fully taken up and paid for, and either,



- (a) the Commission has not informed the issuer in writing within ten days of the giving of such notice that it objects to the sale, or
- (b) information satisfactory to the Commission relating to the securities has been delivered to and accepted by the Commission,

provided that, with respect to any trade referred to in subparagraph i or ii, no commission or other remuneration is paid or given to others in respect of such distribution or issuance except for ministerial or professional services or for services performed by a person or company registered for trading in securities under this Act.

9. A trade in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of such company in connection with,
  - (a) a statutory amalgamation or arrangement;
  - (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or
  - (c) a take-over bid as defined in Part XVI.
10. A trade in a security of an issuer in connection with an offer to purchase shares by way of private agreement with less than fifteen shareholders, or an offer to purchase all the shares in a private company.
11. A trade in a security by an issuer as consideration for a portion of or all of the assets of any person, other than an individual, or any company that agrees to hold the securities for investment only and not with a view to resale or distribution, if the fair value of the assets so purchased is not less than \$100,000.
12. A trade by an issuer in the securities of its own issue to a promoter.
13. A trade by an issuer in the securities of its own issue with its employees or the employees of an affiliate

who are not induced to trade by expectation of employment or continued employment.

14. A trade in respect of which the regulations provide that registration is not required. R.S.O. 1970, c. 426, s. 19 (1); 1971, c. 31, s. 3 (1, 2).

Trades in  
securities  
exempt from  
registration

(2) Subject to the regulations, registration is not required to trade in the following securities:

1. Bonds, debentures or other evidences of indebtedness,

(a) of or guaranteed by the government of Canada or any province of Canada or by the government of the United Kingdom or any foreign country or any political division thereof;

(b) of any municipal corporation in Canada, including debentures issued for public, separate, high or vocational school purposes, or guaranteed by any municipal corporation in Canada, or secured by or payable out of rates or taxes levied under the law of any province of Canada on property in such province and collectable by or through the municipality in which such property is situated;

R.S.C. 1970,  
c. B-1

R.S.O. 1970,  
cc. 254, 224

(c) of or guaranteed by a bank to which the *Bank Act* (Canada) applies, a trust company or loan corporation registered under *The Loan and Trust Corporations Act* or an insurance company licensed under *The Insurance Act*; or

R.S.C. 1970,  
c. B-9

(d) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act* (Canada), if the bonds, debentures or evidences of indebtedness are payable in the currency of Canada or the United States of America.

R.S.O. 1970,  
c. 254

2. Certificates or receipts of a trust company registered under *The Loan and Trust Corporations Act* issued for moneys received for guaranteed investment.

3. Securities issued by a trust company registered under *The Loan and Trust Corporations Act* in

respect of an account maintained by it solely to service a retirement savings plan registered under the *Income Tax Act* (Canada) or a pooled account for participation in which no solicitation is made. <sup>1970-71, c. 63 (Can.)</sup>

4. Securities issued by an investment club if,
  - (a) its shares or units are held by not more than fifty persons;
  - (b) it does not pay or give any remuneration under a management contract or in respect of a trade in securities except normal brokerage fees; and
  - (c) all of its members are required to make equal contributions for the purpose of financing its operations.
5. Negotiable promissory notes or commercial paper maturing not more than one year from the date of issue, provided that each such note or commercial paper traded to an individual has a denomination or principal amount of not less than \$50,000.
6. Mortgages or other encumbrances upon real or personal property, other than mortgages or other encumbrances contained in or secured by a bond, debenture or similar obligation or in a trust deed or other instrument to secure bonds or debentures or similar obligations, if such mortgages or other encumbrances are not offered for sale to the public except by a person or company registered under *The Real Estate and Business Brokers Act* or *The Mortgage Brokers Act*. <sup>R.S.O. 1970, c. 401, 278</sup>
7. Securities evidencing indebtedness due under any conditional sales contract or other title retention contract providing for the acquisition of personal property if such securities are not offered for sale to the public.
8. Securities issued by a person or company organized exclusively for educational, benevolent, fraternal, charitable, religious or recreational purposes and not for profit, where no part of the net earnings of such person or company enure to the benefit of any security holder.



R.S.O. 1970,  
c. 89

9. Securities issued by corporations operated on a co-operative basis as defined by Part V of *The Corporations Act*.

R.S.O. 1970,  
c. 96

10. Shares of a credit union within the meaning of *The Credit Unions Act*.
11. Securities of a private company issued by the private company if the securities are not offered for sale to the public.
12. Securities issued and sold by a prospector for the purpose of financing a prospecting expedition.
13. Securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XII and the Director has issued a receipt therefor, where such securities are sold by the prospector or one of the prospectors who staked the claims that belong to or are the subject of a declaration of trust in favour of the prospecting syndicate, and the prospector delivers a copy of the prospecting syndicate agreement to the person or company purchasing the security before accepting payment therefor.
14. Securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XII and the Director has issued a receipt therefor, if such securities are distributed to not more than fifty persons or companies.
15. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or polling agreement as the Director considers necessary.
16. Securities in respect of which the regulations provide that registration is not required. R.S.O. 1970, c. 426, s. 19 (2); 1971, c. 31, s. 3 (3), *part, amended*.

Private  
placement

(3) Subject to the regulations, registration is not required in respect of a trade where the purchaser is a person, other than an individual, or company who purchases for investment only and not with a view to resale or distribution, if the trade is in a security which has an aggregate acquisition cost to such purchaser of not less than \$97,000.

Idem

(4) For the purpose of subsection 3, a direct solicitation of or negotiation with a person or company with a view to

effecting a sale is not a trade within the meaning of paragraph 34 of subsection 1 of section 1.

(5) Notwithstanding subsections 1, 2 and 3, the Commission <sup>Denial of exemptions</sup> may, where in its opinion such action is in the public interest,

(a) order that subsection 1 or 3 shall not, with respect to such of the trades referred to in that subsection as are specified in the order, apply to the person or company named in the order;

(b) order that subsection 2 shall not, with respect to such of the securities referred to in that subsection as are specified in the order, apply to the person or company named in the order.

(6) No order shall be made under subsection 5 without a <sup>Hearing</sup> hearing, unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof.

(7) Notice of a temporary order made under subsection 6 <sup>Notice of temporary order</sup> shall be given forthwith together with the notice of hearing required by section 9 to every person or company that in the opinion of the Commission is primarily affected thereby. R.S.O. 1970, c. 426, s. 19 (3-7).

## PART XI

### TRADING IN SECURITIES: GENERALLY

**39.**—(1) Subject to subsections 2 and 3 every person or company registered for trading in securities who has acted as principal or agent in connection with any trade in a security shall promptly send by prepaid mail or deliver to the customer a written confirmation of the transaction, setting forth, <sup>Confirmation of trade</sup>

- (a) the quantity and description of the security;
- (b) the consideration;
- (c) whether or not the person or company registered for trading in securities is acting as principal or agent;
- (d) if acting as agent in a trade upon a stock exchange recognized by the Commission, the name of the person or company from or to or through whom the security was bought or sold;

- (e) the day and name of the stock exchange, if any, upon which the transaction took place;
- (f) the commission, if any, charged in respect of the trade; and
- (g) the name of the salesman, if any, in the transaction. R.S.O. 1970, c. 426, s. 67 (1).

Idem,  
mutual funds

(2) Subject to subsection 3, where a trade is made in a security of a mutual fund the confirmation shall contain, in addition to the requirements of subsection 1,

- (a) the price per share or unit at which the purchase was effected;
- (b) the amount deducted by way of sales charges or service fees and, separately stated, any other deductions;
- (c) the redemption fee, if any, and the circumstances in which it will be imposed;
- (d) a clear and concise statement of the right of rescission, if any, given by subsection 1 of section 44, and the time and manner in which it may be exercised. *New.*

Idem,  
contracted  
plans

(3) Where a trade is made in a security of a mutual fund under a contractual plan the confirmation shall contain, in addition to the requirements of subsections 1 and 2,

- (a) in respect of an initial purchase made under a contractual plan which requires the prepayment of sales charges, a statement of the initial payment and the manner in which it will be allocated to subsequent investments in the mutual fund;
- (b) in respect of each subsequent payment made under a contractual plan which requires the prepayment of sales charges, a statement of the portion of the sales charges that is allocated to the payment which is the subject of the confirmation;
- (c) in respect of an initial purchase made under a contractual plan which permits the deduction of sales charges from the first and subsequent installments, a brief statement of the sales charges to be deducted from subsequent purchases;
- (d) in respect of each purchase made under a contractual plan, a statement of the total number of

shares or units of the mutual fund acquired under the contractual plan up to the date the confirmation is sent or delivered. *New.*

(4) For the purposes of clauses *d* and *g* of subsection 1, <sup>Exception</sup> a person or company or a salesman may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesman will be furnished to the customer on request.

(5) Where a person or company uses a code or symbols <sup>Identity by code or symbols</sup> for identification in a confirmation under subsection 1, the person or company shall forthwith file the code or symbols and their meaning with the Commission, and shall notify the Commission within five days of any change in or addition to the code or symbols or their meaning.

(6) Every person or company registered for trading in securities who has acted as agent in connection with any trade in a security shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or to or through whom the security was bought or sold. R.S.O. 1970, c. 426, s. 67 (2-4). <sup>Agent to disclose name of principal upon request by Commission</sup>

(7) For the purposes of this section, a confirmation sent by prepaid mail shall be deemed conclusively to have been received in the ordinary course of mail by the person or company to whom it is addressed. *New.* <sup>When confirmation received by customer</sup>

**40.**—(1) The Director may, by order, prohibit any person or company named in the order from, <sup>Order prohibiting calling or telephoning residence</sup>

(a) calling at any residence; or

(b) telephoning from within Ontario to any residence within or outside Ontario,

for the purpose of trading in any security with any member of the public.

(2) The Director shall not make an order under subsection 1 without giving the person or company affected an opportunity to be heard. <sup>Hearing</sup>

(3) An order under subsection 1 does not apply, <sup>Exceptions</sup>

(a) where the person or company calls at or telephones to the residence,



- (i) of a close personal friend, a business associate or a customer with whom or on whose behalf the person or company calling or telephoning has been in the habit of trading in securities, or
- (ii) of a person who has requested in writing that information respecting a specific security be furnished by the person or company so calling or telephoning, but in such case the person or company so calling or telephoning shall call or telephone only in reference to that security; or

(b) to a trade in any security referred to in subsection 2 of section 38.

Inter-  
pretation

(4) In this section, "residence" includes any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto.

When calls  
or telephon-  
ing by  
company

(5) For the purposes of this section, a company shall be deemed conclusively to have called or telephoned where an officer, trading official or salesman of the company calls or telephones on its behalf. R.S.O. 1970, c. 426, s. 68, *amended*.

Prohibition  
of repre-  
sentations.

**41.**—(1) No person or company, with the intention of effecting a trade in a security other than a security that carries a right of redemption or repurchase by the issuer, shall make any representation, written or oral, that he or any person or company,

(a) will resell or repurchase; or

(b) will refund all or any of the purchase price of,

any such security in which he is trading. R.S.O. 1970, c. 426, s. 69 (1), *amended*.

Promises

(2) No person or company, with the intention of effecting a trade in a security, shall give any under taking, written or oral, relating to the future value or price of such security.

Repre-  
sentation that  
security will  
be listed on  
stock  
exchange

(3) No person or company, with the intention of effecting a trade in a security, shall, except with the written permission of the Director, make any representation, written or oral, that such security will be listed on any stock exchange or that application has been or will be made to list such security upon any stock exchange.

(4) This section does not apply to any representation referred to in subsection 1 made to a person, other than an individual, or to a company where the representation is contained in a written agreement signed by the person or company intending to effect a trade in a security and the security has an aggregate acquisition cost of more than \$50,000. R.S.O. 1970, c. 426, s. 69 (2-4). Where section does not apply

**42.**—(1) Where a person or company registered for trading in securities, with the intention of effecting a trade in a security with any person or company other than a person or company registered for trading in securities, issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, and proposes to act in such trade as a principal, such person or company shall so state in the circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any such contract. Notice where acting as principal

(2) Where a person or company registered for trading in securities, with the intention of effecting a trade in a security with any person or company other than a person or company registered for trading in securities, makes an oral offer or invitation for an offer to any person or company and effects such trade as a principal, such person or company shall state in a written confirmation of the contract that he has acted as principal. Written confirmation

(3) A statement made in compliance with this section that a person or company registered for trading in securities proposes to act or has acted as principal in connection with a trade in a security does not prevent such person or company from acting as agent in connection with a trade in such security. Acting as agent

(4) This section does not apply to trades referred to in subsection 1 of section 38 or to securities referred to in subsection 2 of section 38. R.S.O. 1970, c. 426, s. 70. Where section not applicable

**43.**—(1) If subsection 1 of section 42 applies to a contract and such subsection is not complied with, a person or company that has entered into such contract is entitled to rescission thereof by serving written notice of rescission on the person or company registered for trading in securities within sixty days of the date of the delivery of the security to or by such person or company, as the case may be, but, in the case of a purchase by such person or company, only if he is still the owner of the security purchased. Rescission of contract

Idem	(2) If subsection 2 of section 42 applies to a contract and such subsection is not complied with, a person or company that has entered into such contract is entitled to rescission thereof by serving written notice of rescission on the person or company registered for trading in securities within seven days of the date of the delivery of the written confirmation of the contract but, in the case of a purchase by such person or company, only if he is still the owner of the security purchased.
Onus	(3) In an action for rescission to which this section applies, the onus of proving compliance with section 42 is upon the person or company registered for trading in securities.
Period of limitation	(4) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1 or 2. R.S.O. 1970, c. 426, s. 71.
Rescission, mutual fund and contractual plan	<b>44.</b> —(1) Every purchaser of a security of a mutual fund may, where the amount of such purchase does not exceed the sum of \$50,000, rescind the purchase by notice given to the person or company from which the purchase was made within forty-eight hours after receipt of the confirmation for a lump sum purchase or within sixty days after receipt of the confirmation for the initial payment under a contractual plan.
Limitation	(2) The right to rescind a purchase made under a contractual plan may be exercised only with respect to payments made within the time specified in subsection 1 for rescinding a purchase made under a contractual plan.
Form of notice	(3) The notice mentioned in subsection 1 shall be in writing, and may be given by prepaid mail, telegram or other means.
Refund of sales charges	(4) Every person or company from which the purchase was made shall pay to a purchaser who has exercised his right of rescission in accordance with this section the amount of sale charges and other fees relevant to the investment of the purchaser in the mutual fund in respect of the shares or units of which the notice of exercise of the right of rescission is given. <i>New.</i>
Disclosure of financial interest by advisers	<b>45.</b> Every registered adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest that he may have either directly or indirectly



in any securities referred to therein or in the sale or purchase thereof, including,

- (a) any ownership, beneficial or otherwise, that he may have in such securities or in any securities issued by the same person or company;
- (b) any option that he may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration that he has received or may expect to receive from any person or company registered for trading in securities or otherwise in connection with any trade in such securities;
- (d) any financial arrangement that he may have with any person or company registered for trading in securities relating to such securities; and
- (e) any financial arrangement that he may have with any underwriter or other person or company who has any interest in the securities. R.S.O. 1970, c. 426, s. 72.

**46.** Every partnership or company registered for trading in securities shall publish the name of every person having an interest, either directly or indirectly to the extent of not less than 5 per cent in the capital of the partnership or company, as the case may be, on all letterheads, circulars and other stationery or in an offering circular upon or in which the name of the partnership or company appears as underwriter and that contain any offer or solicitation respecting a trade in securities. R.S.O. 1970, c. 426, s. 73. Publication  
of names

**47.** No registrant shall use the name of another registrant on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he is a partner, officer or agent of or is authorized so to do in writing by the other registrant. R.S.O. 1970, c. 426, s. 74. Use of name  
of another  
registrant

**48.** No person or company shall hold himself out as being a registrant by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he is a registrant. R.S.O. 1970, c. 426, s. 75. Registration  
not to be  
advertised

**49.** No person or company who is not a registrant shall, either directly or indirectly, hold himself out as being a registrant. R.S.O. 1970, c. 426, s. 76. Holding out by  
unregistered  
persons

Advertising  
Commission's  
approval

**50.** No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any registrant or upon the merits of any security. R.S.O. 1970, c. 426, s. 77.

Margin  
contracts

**51.**—(1) Where a person, or a partner or employee of a partnership, or a director, officer or employee of a company, after he or the partnership or company has contracted as a person or company registered for trading in securities with any customer to buy and carry upon margin any securities of any person or company either in Canada or elsewhere, and while such contract continues, sells or causes to be sold securities of the same person or company for any account in which,

- (a) he;
- (b) his firm or a partner thereof; or
- (c) the company or a director thereof,

has a direct or indirect interest, if the effect of such sale would, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the person or company registered for trading in securities or under his control in the ordinary course of business below the amount of such securities that he should be carrying for all customers, any such contract with a customer is, at the option of the customer, void, and the customer may recover from the person or company registered for trading in securities all moneys paid with interest thereon or securities deposited in respect thereof.

Exercise of  
option

(2) The customer may exercise such option by a notice to that effect sent by prepaid mail addressed to the person or company registered for trading in securities at his address for service in Ontario. R.S.O. 1970, c. 426, s. 78.

Declaration  
as to short  
position

**52.** Any person or company who places an order for the sale of a security through an agent acting for him that is registered for trading in securities and,

- (a) at the time of placing the order, does not own the security; or
- (b) if acting as agent, knows his principal does not own the security,

shall, at the time of placing the order to sell, declare to his agent that he or his principal, as the case may be, does not own the security. R.S.O. 1970, c. 426, s. 79.

**53.**—(1) Subject to subsections 3 and 4, shares of a company that are registered in the name of a registrant or in the name of his nominee that are not beneficially owned by the registrant shall not be voted at any meeting of shareholders of the company unless the registrant forthwith after receipt of the material referred to in clause *a* sends or delivers to each person or company who is the beneficial owner of such shares, at no expense to such person or company,

Shares in  
name of  
registrant  
not to be  
voted, saving

(*a*) a copy of the notice of the meeting, the financial statements, the information circular and any other material, other than the form of proxy, sent to shareholders by or on behalf of any person or company for use in connection with the meeting; and

(*b*) a written request for voting instructions from the beneficial owner which states that, if voting instructions are not received at least twenty-four hours prior to the expiry of the time within which proxies may be deposited with the company as specified in the notice calling the meeting or otherwise or, if not so specified, twenty-four hours prior to the time fixed for holding the meeting, a proxy in respect of such shares may be given or the shares otherwise voted at the meeting at the discretion of the registrant.

(2) A registrant shall not vote or cause to be voted shares registered in his name or in the name of his nominee that he does not beneficially own if he does not know who is the beneficial owner of the shares.

Where  
registrant  
not to vote  
shares

(3) A company shall, at the request of a registrant, forthwith furnish to the registrant at the company's expense the requisite number of copies of the material referred to in clause *a* of subsection 1.

Copies of  
material to  
be furnished

(4) A registrant shall vote or give a proxy requiring a nominee to vote any shares referred to in subsection 1 in accordance with any written voting instructions received from the beneficial owner.

Voting of  
shares

(5) A registrant shall, if requested by a beneficial owner, give to the beneficial owner or his nominee a proxy enabling the beneficial owner or his nominee to vote any shares referred to in subsection 1.

Proxies

(6) The failure of a registrant to comply with this section does not affect the validity of any meeting of shareholders or any proceedings taken thereat.

Shareholders  
meetings not  
affected

Voting rights  
not extended

(7) Nothing in this section gives a registrant the right to vote shares that he is otherwise prohibited from voting R.S.O. 1970, c. 426, s. 80.

Mutual fund  
shares in name  
of custodian  
not to be  
voted, saving

**54.**—(1) Subject to subsections 3 and 4, shares of a mutual fund registered in the name of a custodian or in the name of his nominee that are not beneficially owned by the custodian shall not be voted at any meeting of shareholders or unit-holders of the mutual fund unless the custodian forthwith after receipt of the material referred to in clause *a* sends or delivers to each person or company who is the beneficial owner of such shares, at no expense to such person or company,

- (a) a copy of the notice of meeting and any other material, other than the form of proxy, sent to shareholders or unit-holders by or on behalf of any person or company for use in connection with the meeting; and
- (b) a written request for voting instructions from the beneficial owner which states that if voting instructions are not received at least twenty-four hours prior to the expiry of the time within which proxies may be deposited with the mutual fund as specified in the notice calling the meeting or otherwise, or, if not so specified, twenty-four hours prior to the time fixed for holding the meeting, a proxy in respect of such shares or units may be given or the shares or units otherwise voted at the meeting at the discretion of the custodian.

Where  
custodian not  
to vote shares

(2) No custodian or its nominee shall vote or cause to be voted shares or units of a mutual fund registered in the name of the custodian or the nominee if the custodian or the nominee does not beneficially own such shares or units and they do not know the identity of the beneficial owner thereof.

Copies of  
material to be  
furnished

(3) A mutual fund shall, at the request of its custodian, furnish forthwith to the custodian, at the expense of the mutual fund, the requisite number of copies of the material referred to in clause *a* of subsection 1.

Voting of  
shares

(4) A custodian shall vote or give a proxy requiring a nominee to vote any shares or units referred to in subsection 1 in accordance with any written voting instructions received from the beneficial owner.

Proxies

(5) A custodian shall, if requested by a beneficial owner, give to the beneficial owner or his nominee a proxy enabling the beneficial owner or his nominee to vote any shares or units referred to in subsection 1.



(6) The failure of a custodian to comply with this section <sup>Meetings not affected</sup> does not affect the validity of any meeting of shareholders or unitholders of a mutual fund or any proceedings taken thereat.

(7) Nothing in this section gives a custodian the right to <sup>Voting rights not extended</sup> vote shares or units that it is otherwise prohibited from voting.

(8) For the purposes of this section "custodian" means a <sup>Interpretation</sup> custodian of shares or units of a mutual fund under a custodial agreement or other arrangement with a person or company engaged in the distribution of shares or units of the mutual fund. *New.*

**55.**—(1) Subject to subsections 2 and 3, no person or company registered for trading in securities shall purchase or sell <sup>Contract between registrants for sale of mutual fund shares</sup> shares or units of a mutual fund except in accordance with the terms of an agreement between such person or company registered for trading in securities and a person or company selling such shares or units under a distribution contract.

(2) The Commission may, upon application of a distribu- <sup>Exception</sup> tion company, order that the prohibition contained in subsection 1 shall not apply in respect of the shares or units of a mutual fund mentioned in the order, where it is satisfied that adequate arrangements have been made,

- (a) to permit the distribution company to carry out adequately its responsibilities relating to the distribution of such shares or units;
- (b) by the distribution company to prevent dealers in the shares or units of the mutual fund from taking undue advantage of the availability of the right to redeem the shares or units of the mutual fund; and
- (c) to facilitate enforcement of the penalty prescribed by the regulations for the early redemption of shares or units of the mutual fund in a transaction in which the total consideration paid or to be paid by the purchaser is more than the sum of \$50,000.

(3) Subsection 1 does not apply to the shares or units of a <sup>Idem</sup> mutual fund in respect of which a cornerstone statement or offering circular has not been filed with the Commission and a receipt therefor issued by the Director. *New.*

**56.**—(1) From the date of the issuance by the Director of a <sup>Limitation of materials that may be distributed during distribution</sup> final receipt for an offering circular relating to a security, a person or company trading in the security in the course of

distribution, either on his own account or on behalf of any other person or company, may distribute the offering circular, any document filed with or referred to in the cornerstone statement or offering circular and any notice, circular, advertisement or letter of the nature permitted in clause *a* of subsection 2 of section 72 or in the regulations, but shall not distribute any other printed or written material respecting the security. R.S.O. 1970, c. 426, s. 57; 1971, c. 31, s. 12; *amended*.

Order that  
advertising  
materials be  
filed with  
Commission

(2) The Commission may, where it is satisfied that it is in the public interest to do so, order that a person or company registered for trading in securities shall file with the Commission at least seven days before it is used, copies of all advertising and sales literature which such person or company proposes to use in connection with trading in securities.

Inter-  
pretation

(3) For the purposes of subsection 2,

- (a) "advertising" includes television and radio commercials, newspaper and magazine advertisements and all other sales material generally disseminated through the communications media; and
- (b) "sales literature" includes records, video-tapes and similar material, written matter and all other material, except cornerstone statements, amended cornerstone statements, offering circulars, designed for use in a presentation to a purchaser, whether such material is given or shown to him. *New*.

Prohibition  
against  
distribution  
company may  
preventing  
reduction in  
sales charges  
by other  
registrants

**57.—**(1) Subject to subsection 2 no person or company that sells securities of a mutual fund under a distribution contract shall, by any device or arrangement, whether oral or in writing, prevent or attempt to prevent any company or any other person, except one of its own employees, that trades in the securities of the mutual fund, from reducing any portion of sales charges that is payable to such other person or company upon the sale by such other person or company of securities of the mutual fund if the sole purpose of the reduction is to enable the purchaser to purchase the securities at a proportionately lower price.

When  
distribution  
company may  
refuse to  
sell to other  
registrants

(2) A person or company that sells securities of a mutual fund under a distribution contract may refuse to sell the securities of the mutual fund to or through any other person or company if the person or company first mentioned has reasonable cause to believe and does believe,

- (a) that such other person or company intends to operate a secondary market in the securities of the mutual fund;

- (b) that such other person or company was making a practice of using securities of the mutual fund supplied by him not for the purpose of making a profit thereon, but for the purpose of advertising;
- (c) that such other person or company was making a practice of using securities of the mutual fund supplied by him not for the purpose of selling them at a profit but for the purpose of attracting clients in the hope of selling them other securities;
- (d) that such other person or company was making a practice of engaging in misleading advertising in respect of the securities of the mutual fund supplied by him; or
- (e) that such other person or company made a practice of not providing the level of servicing that purchasers of the securities of the mutual fund might reasonably expect from such other person or company. *New.*

## PART XII

### PROSPECTING SYNDICATES

**58.**—(1) Upon the filing of a prospecting syndicate agree-<sup>Agreements</sup>ment and the issuance of a receipt therefor by the Director, the liability of the members of the syndicate or parties to the agreement is limited to the extent provided by the terms of the agreement,

- (a) where the sole purpose of the syndicate is the financing of prospecting expeditions, preliminary mining development, or the acquisition of mining properties, or any combination thereof;
- (b) where the agreement clearly sets out,
  - (i) the purpose of the syndicate,
  - (ii) the particulars of any transaction effected or in contemplation involving the issue of units for a consideration other than cash,
  - (iii) the maximum amount, not exceeding 25 per cent of the sale price, that may be charged or taken by a person or company as commission upon the sale of units in the syndicate,
  - (iv) the maximum number of units in the syndicate, not exceeding  $33\frac{1}{3}$  per cent of the



total number of units of the syndicate, that may be issued in consideration of the transfer to the syndicate of mining properties,

- (v) the location of the principal office of the syndicate and that the principal office shall at all times be maintained in Ontario and that the Director and the members of the syndicate shall be notified immediately of any change in the location of the principal office,
- (vi) that a person or company holding mining properties for the syndicate shall execute a declaration of trust in favour of the syndicate with respect to such mining properties,
- (vii) that after the sale for cash of any issued units of the syndicate no mining properties shall be acquired by the syndicate other than by staking unless such acquisition is approved by members of the syndicate holding at least two-thirds of the issued units of the syndicate that have been sold for cash,
- (viii) that the administrative expenditures of the syndicate, including, in addition to any other items, salaries, office expenses, advertising and commissions paid by the syndicate with respect to the sale of its units, shall be limited to one-third of the total amount received by the treasury of the syndicate from the sale of its units,
- (ix) that a statement of the receipts and disbursements of the syndicate shall be furnished to the Director and to each member annually,
- (x) that 90 per cent of the vendor units of the syndicate shall be escrowed units and may be released upon the consent of the Director and that any release of such units shall not be in excess of one vendor unit for each unit of the syndicate sold for cash,
- (xi) that no securities, other than those of the syndicate's own issue, or no mining properties owned by the syndicate or held in trust for the syndicate shall be disposed of unless such disposal is approved by members of the syndicate holding at least two-thirds of the

issued units of the syndicate other than  
escrowed units; and

- (c) where the agreement limits the capital of the syndicate to a sum not exceeding \$50,000.

(2) The Director may in his discretion issue a receipt for any prospecting syndicate agreement filed under this section and is not required to determine whether it is in conformity with clauses *a*, *b* and *c* of subsection 1.

(3) After a receipt is issued by the Director for a prospecting syndicate agreement, the requirements of *The Partnerships Registration Act* as to filing do not apply to the prospecting syndicate.

(4) No person or company registered for trading in securities shall trade in a security issued by a prospecting syndicate either as agent for the prospecting syndicate or as principal.

## PART XIII

### REPORTING ISSUERS

#### DIVISION A—CORNERSTONE STATEMENTS

**59.** Any issuer may become a reporting issuer by filing with the Commission a preliminary cornerstone statement and cornerstone statement that comply with this Part and the regulations and obtaining receipts therefor from the Director.

*New.*

**60.** A preliminary cornerstone statement shall comply as to form and content with the requirements of this Act and the regulations.

*New.*

**61.** The Director shall issue a receipt for a preliminary cornerstone statement forthwith upon the filing thereof.

*New.*

**62.—(1)** A cornerstone statement shall,

- (a) provide full, true and plain disclosure of all material facts relating to the affairs of the issuer in respect of which it is filed;
- (b) comply as to form and content with the requirements of this Act and the regulations; and
- (c) be accompanied by such documents, reports and other material as are required by the regulations.

Additional  
information

(2) If a statement required to be contained in a cornerstone statement would otherwise be misleading, the cornerstone statement shall contain such other additional information, whether or not expressly required to be contained therein, as may be necessary to make the required statement not misleading in the light of the circumstances in which it is made. *New.*

Effective  
date

**63.** A cornerstone statement is not effective until the Director has issued a final receipt therefor. *New.*

Issue of  
receipt

**64.**—(1) The Director may, in his discretion, issue a final receipt for a cornerstone statement filed by an issuer, unless it appears to him that,

(a) the cornerstone statement or any document required to be filed therewith,

(i) fails to comply in any substantial respect with any of the requirements of the Act or the regulations,

(ii) contains any statement, promise, estimate or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material facts necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made; or

(b) the issuer does not meet such financial requirements and conditions as are specified in the regulations.

Hearing

(2) The Director shall not make any determination under subsection 1 without making an order or ruling in writing and without giving the issuer that filed the cornerstone statement a prior opportunity to be heard. *New.*

Material  
change in  
interim  
between  
preliminary  
and receipt for  
cornerstone  
statement

**65.** Where a material change occurs in the affairs of an issuer after the date of a preliminary cornerstone statement and before the issue of a final receipt for the cornerstone statement that makes untrue or misleading any statement of a material fact contained in the preliminary cornerstone statement, the issuer shall file an amendment to the preliminary cornerstone statement with the Commission as soon as practicable, and in any event within ten days from the date on which the change occurs. *New.*

**66.** Where a material change occurs in the affairs of a reporting issuer, that makes untrue or misleading any statement of a material fact in a cornerstone statement filed under this Act in respect of which a final receipt has been issued by the Director, the reporting issuer shall file with the Commission an amendment to the cornerstone statement as soon as practicable, and in any event within ten days from the date on which the change occurs. *New.*

Material change after date of receipt for cornerstone statement

**67.** Every reporting issuer shall file with the Commission annually, within 170 days from the end of its last completed financial year, a new cornerstone statement that includes all material changes that have been reported or are required to have been reported to the Commission during its latest completed financial year. *New.*

Annual filing of cornerstone statement

**68.**—(1) Every preliminary cornerstone statement and cornerstone statement and any amendment to either that is filed with the Commission under this Part shall be open to public inspection at the offices of the Commission during the normal business hours of the Commission, and any person may make extracts therefrom.

Public inspection of filed statements

(2) Any holder of the securities of a reporting issuer may, in writing, request the reporting issuer to furnish, upon payment of a reasonable fee, a copy of a preliminary cornerstone statement or cornerstone statement or any amendment to either of them that has been filed with and accepted by the Commission.

Requests for copies of accepted statements

(3) Every reporting issuer shall, forthwith upon receipt of a request and the necessary fee under subsection 2, furnish the holder of its security with a copy of the latest preliminary cornerstone statement, cornerstone statement or amendment, as the case may be. *New.*

Obligation to furnish statements

#### DIVISION B—OFFERING CIRCULARS

**69.** No person or company shall trade in a security on his own account or on behalf of any other person or company where such trade would be in the course of distribution of such security unless,

Prohibition as to trading

- (a) the issuer of such security is a reporting issuer; and
- (b) a preliminary offering circular and an offering circular relating to the offering of such security have been filed with the Commission and receipts therefor obtained from the Director. R.S.O. 1970, c. 426, s. 35; 1971, c. 31, s. 6, *part, amended.*



Form and  
content of  
offering  
circular

**70.** A preliminary offering circular shall comply as to form and content with the requirements of this Act and the regulations. R.S.O. 1970, c. 426, s. 38, *amended*.

Receipt for  
offering  
circular

**71.** The Director shall issue a receipt for a preliminary offering circular forthwith upon the filing thereof. R.S.O. 1970, c. 426, s. 35 (2), *amended*.

Inter-  
pretation

**72.**—(1) In this section, “waiting period” means the interval, which shall be at least ten days, between the issuance by the Director of a receipt for a preliminary offering circular relating to the offering of a security and the issuance by him of a final receipt for the offering circular.

Distribution  
of notice,  
etc., during  
waiting  
period

(2) Notwithstanding section 69 but subject to Part XII, it is permissible during the waiting period,

- (a) to distribute a notice, circular, advertisement or letter to or otherwise communicate with any person or company identifying the security proposed to be issued, stating the price thereof, if then determined, the name and address of a person or company from whom purchases of the security may be made and containing such further information as may be permitted or required by the regulations, if every such notice, circular, advertisement, letter or other communication states the name and address of a person or company from whom a preliminary cornerstone statement, cornerstone statement or preliminary offering circular may be obtained;
- (b) to distribute a preliminary cornerstone statement, cornerstone statement or preliminary offering circular;
- (c) to solicit expressions of interest from a prospective purchaser if, prior to such solicitation or forthwith after the prospective purchaser indicates an interest in purchasing the security, a copy of the preliminary offering circular is forwarded to him. R.S.O. 1970, c. 426, s. 36, *amended*.

Record of  
distribution  
of pre-  
liminary  
offering  
circular

**73.** The underwriter or other person or company distributing a security in the course of distribution shall maintain a record available for inspection by the Commission of the names and addresses of all persons and companies to whom a preliminary offering circular has been distributed. R.S.O. 1970, c. 426, s. 37; 1971, c. 31, s. 7, *amended*.

Defective  
preliminary  
offering  
circular

**74.** Where it appears to the Director that a preliminary offering circular is defective in that it does not comply sub-

stantially as to form and content with the requirements of this Act and the regulations, he may, without giving notice, order that the trading permitted by subsection 2 of section 72 in the security to which the preliminary offering circular relates shall cease until a revised preliminary offering circular satisfactory to the Director is filed with the Commission and forwarded to each recipient of the defective preliminary offering circular according to the record maintained under section 73. R.S.O. 1970, c. 426, s. 40 (1), *amended*.

**75.—**(1) An offering circular shall,

Offering  
circular,  
full  
disclosure

(a) when considered together with the cornerstone statement and any other documents, reports or material filed with the Commission in respect of an issuer, provide full, true and plain disclosure of all material facts relating to the security proposed to be issued; and

(b) comply as to form and content with the requirements of this Act and the regulations.

(2) There shall be filed with an offering circular such documents, reports and other material as are required by the regulations. R.S.O. 1970, c. 426, s. 41, *amended*.

Supplemental  
material

**76.** If a statement required to be contained in an offering circular would otherwise be misleading, the offering circular shall contain such additional information, whether or not expressly required to be contained in the offering circular as may be necessary to make the required statement not misleading in the light of the circumstances in which it is made. R.S.O. 1970, c. 426, s. 42, *amended*.

Additional  
information

**77.—**(1) A person or company that is a party to a contract as purchaser resulting from the offer of a security in the course of distribution to which section 69 or 91 is applicable has a right to rescind the contract while still the owner of the security if the offering circular, amended offering circular, cornerstone statement or amended cornerstone statement received by the purchaser, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement therein not misleading in the light of the circumstances in which it is made. R.S.O. 1970, c. 426, s. 65 (1); 1971, c. 31, s. 20 (1), *amended*.

Right to  
rescind

(2) No action shall be commenced under this section after the expiration of ninety days from the last to occur of the receipt of the offering circular, amended offering circular,

Period of  
limitation

cornerstone statement or amended cornerstone statement by the purchaser or the date of the contract referred to in subsection 1. 1971, c. 31, s. 20 (2), *amended*.

Where subs. 1  
does not apply

(3) Subsection 1 does not apply to an untrue statement of a material fact or an omission to state a material fact,

- (a) if the untruth of such statement or the fact of such omission was unknown both to the issuer whose securities are being offered by the offering circular and to any underwriter who, with respect to the securities offered by the offering circular is in a contractual relationship with the issuer of such securities and, in the exercise of reasonable diligence, could not have been known to such issuer or to such underwriter;
- (b) if such statement or omission is disclosed in an amended offering circular or amended cornerstone statement filed in compliance with this Act and the regulations and such amended offering circular or amended cornerstone statement was received by the purchaser; or
- (c) if the purchaser knew of the untruth of the statement or knew of the omission at the time he purchased the security.

Time of  
receipt

(4) For the purpose of this section, where an offering circular, amended offering circular, cornerstone statement or amended cornerstone statement is sent by prepaid mail, it shall be deemed to have been received in the ordinary course of mail by the person or company to whom it was addressed.

Receipt of  
offering  
circular by  
agent to be  
receipt by  
purchaser

(5) The receipt of an offering circular, amended offering circular, cornerstone statement or amended cornerstone statement by a person or company who is acting as agent of or who thereafter commences to act as agent of the purchaser with respect to the purchase of a security referred to in subsection 1 shall, for the purpose of this section, be receipt by the purchaser as of the date on which the agent received such offering circular, amended offering circular, cornerstone statement or amended cornerstone statement.

Where person  
or company  
acting as  
agent

(6) For the purpose of this section, a person or company shall not be considered to be acting as agent of the purchaser unless the person or company is acting solely as the agent of the purchaser with respect to the purchase and sale in question and has not received and has no agreement to receive compensation from or on behalf of the vendor with respect to the purchase and sale. R.S.O. 1970, c. 426, s. 65 (3-6), *amended*.



(7) The right of rescission conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. R.S.O. 1970, c. 426, s. 65 (7); 1971, c. 31, s. 20 (3), *amended*. No derogation  
of rights

(8) Every offering circular shall contain a statement of the right of rescission provided by this section. R.S.O. 1970, c. 426, s. 65 (8), *amended*. Statement of  
right of  
rescission

**78.**—(1) A person or company not acting as agent of the purchaser who receives an order or subscription for a security offered in the course of distribution to which section 69 or 91 is applicable shall, unless he has previously done so, send by prepaid mail or deliver to the purchaser, Obligation to  
deliver  
offering cir-  
cular and  
cornerstone  
statement

- (a) the latest offering circular or amended offering circular filed with the Commission; and
- (b) when requested by the purchaser pursuant to subsection 2 of section 68, at the expense of the purchaser, the latest cornerstone statement or amended cornerstone statement filed with the Commission,

either before entering into an agreement of purchase and sale resulting from the order or subscription or not later than midnight on the second day, exclusive of Saturdays, Sundays and holidays, after entering into such agreement.

(2) An agreement of purchase and sale referred to in subsection 1 is not binding upon the purchaser if the person or company from whom the purchaser purchased the security receives written or telegraphic notice evidencing the intention of the purchaser not to be bound by the agreement of purchase and sale not later than midnight on the second day, exclusive of Saturdays, Sundays and holidays, after receipt by the purchaser of the offering circular, amended offering circular, cornerstone statement or amended cornerstone statement, whichever is the last required to be filed with the Commission. Withdrawal  
from  
purchase

(3) Subsection 2 does not apply if the purchaser is a registrant or if the purchaser sells or otherwise transfers beneficial ownership of the security referred to in subsection 2, otherwise than to secure indebtedness, before the expiration of the time referred to in subsection 2. Where subs. 2  
does not apply

(4) For the purpose of this section where an offering circular, amended offering circular, cornerstone statement or amended cornerstone statement is sent by prepaid mail, the offering circular, amended offering circular, cornerstone statement or Time of  
receipt

amended cornerstone statement shall be deemed conclusively to have been received in the ordinary course of mail by the person or company to whom it was addressed.

Receipt of  
offering  
circular,  
cornerstone  
statement,  
etc., by agent

(5) The receipt of an offering circular, amended offering circular, cornerstone statement or amended cornerstone statement by a person or company who is acting as agent of or who thereafter commences to act as agent of the purchaser with respect to the purchase of a security referred to in subsection 1 shall, for the purpose of this section, be receipt by the purchaser as of the date on which the agent received such offering circular, amended offering circular, cornerstone statement or amended cornerstone statement.

Receipt of  
notice by  
agent

(6) The receipt of the notice referred to in subsection 2 by a person or company who acted as agent of the vendor with respect to the sale of a security referred to in subsection 1 shall, for the purpose of this section, be receipt by the vendor as of the date on which the agent received such notice.

Where person  
or company  
acting as  
agent

(7) For the purpose of this section, a person or company shall not be considered to be acting as agent of the purchaser unless the person or company is acting solely as the agent of the purchaser with respect to the purchase and sale in question and has not received and has no agreement to receive compensation from or on behalf of the vendor with respect to the purchase and sale.

Onus of  
proof

(8) The onus of proving that the time for giving notice under subsection 2 has expired is upon the person or company from whom the purchaser agreed to purchase the security.

Statement of  
rights

(9) Every offering circular shall contain a statement of the rights given to a purchaser by this section. R.S.O. 1970, c. 426, s. 64, *amended*.

Effective  
date of  
offering  
circular

**79.** An offering circular is not effective until the Director has issued a final receipt therefor. *New*.

Issue of  
receipt

**80.—**(1) The Director may in his discretion issue a receipt for any offering circular filed under this Part, unless it appears to the Director that,

(a) the offering circular or any document required to be filed therewith,

(i) fails to comply in any substantial respect with any of the requirements of this Part or the regulations,

- (ii) contains any statement, promise, estimate or forecast that is misleading, false or deceptive, or
  - (iii) conceals or omits to state any material facts necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made;
- (b) an unconscionable consideration has been paid or given or is intended to be paid or given for promotional purposes or for the acquisition of property;
  - (c) the proceeds from the sale of the securities to which the offering circular relates that are to be paid into the treasury of the issuer, together with other resources of the issuer, are insufficient to accomplish the purpose of the issue stated in the offering circular;
  - (d) such escrow or pooling agreement as the Director deems necessary or advisable with respect to securities has not been entered into;
  - (e) that such agreement as the Director deems necessary or advisable to accomplish the objects indicated in the offering circular for the holding in trust of the proceeds payable to the company from the sale of the securities pending the distribution of such securities has not been entered into; or
  - (f) in the case of an offering circular filed by a finance company, as defined in the regulations,
    - (i) the plan of distribution of the securities offered is not acceptable to the Director,
    - (ii) the securities offered are not secured in such manner, on such terms and by such means as are required by the regulations, or
    - (iii) such finance company does not meet such financial and other requirements and conditions as are specified in the regulations.

(2) The Director shall not make any determination under subsection 1 without making an order or ruling in writing and without giving the issuer who filed the offering circular a prior opportunity to be heard. R.S.O. 1970, c. 426, s. 61 (1, 2), *amended*.

Order to  
cease trading

**81.**—(1) Where it appears to the Commission, after the filing of an offering circular under this Part and the issuance of a final receipt therefor, that any of the circumstances set out in section 80 exist, the Commission may order that all distribution of the securities to which the offering circular relates shall cease. R.S.O. 1970, c. 426, s. 62 (1); 1971, c. 31, s. 17 (1), *amended*.

Temporary  
order

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof. R.S.O. 1970, c. 426, s. 62 (2).

Notice

(3) A notice of every order made under this section shall be served upon the issuer to whose securities the offering circular relates and upon every registrant who has notified the Commission of his intention to engage in the distribution of the securities and forthwith upon the receipt of the notice,

(a) no further trade shall be made in the course of distribution of the securities named in the order by any person or company; and

(b) any receipt issued by the Director for the offering circular is revoked. R.S.O. 1970, c. 426, s. 62 (3); 1971, c. 31, s. 17 (2), *amended*.

Additional  
information,  
finance  
company

**82.**—(1) While distribution of the securities to which the offering circular of a finance company relates is in progress, the Director may from time to time require the finance company to furnish to him a statement of source and application of funds or of cash receipts and disbursements in such form and for such period or periods as he may specify and such other information as may enable the Director to satisfy himself that,

(a) the securities are being distributed in a manner acceptable to him,

(b) the securities are secured in such manner, on such terms and by such means as are required by the regulations, and

(c) as at such date as may be acceptable to the Director, the finance company met such financial and other requirements and conditions as are specified in the regulations. R.S.O. 1970, c. 426, s. 63 (1); 1971, c. 31, s. 18 (1), *amended*.



(2) Where the Director reports to the Commission that he is not satisfied with any statement or as to any matter referred to in subsection 1, the Commission may order that all distribution of the securities to which the offering circular of the finance company relates shall cease and in any such case subsections 2 and 3 of section 81 apply as if the order were made under that section. R.S.O. 1970, c. 426, s. 63 (2); 1971, c. 31, s. 18 (2), *amended*. Order to cease trading

**83.**—(1) Where a material change occurs after the date of a preliminary offering circular and before the issuance of a final receipt for an offering circular that makes untrue or misleading any statement of a material fact contained in the preliminary offering circular, an amendment to the preliminary offering circular shall be filed with the Commission as soon as practicable, and in any event within ten days from the date the change occurs. Material change in interim between preliminary and receipt for offering circular

(2) An amendment to a preliminary offering circular referred to in subsection 2 shall, forthwith after it has been filed with the Commission, be forwarded to each recipient of the preliminary offering circular according to the record maintained under section 73. R.S.O. 1970, c. 426, s. 40 (2, 3), *amended*. Amendment to be forwarded to each recipient of preliminary

**84.** Where a material change occurs in the affairs of a reporting issuer during the period of distribution of a security that makes untrue or misleading any statement of a material fact in an offering circular filed under this Act in respect of which a final receipt has been issued by the Director, the reporting issuer shall file with the Commission an amendment to the offering circular as soon as practicable, and in any event within ten days from the date on which the change occurs. R.S.O. 1970, c. 426, s. 55; 1971, c. 31, s. 10, *amended*. Material change after date of receipt for offering circular

**85.**—(1) Every offering circular shall, except as otherwise provided in this Act, contain a report on the financial statements contained therein of a person acceptable to the Director who is the auditor of the issuer or of a subsidiary or is an accountant eligible for appointment as auditor of the issuer or of a subsidiary and, where financial statements of a business acquired or to be acquired are required or permitted, a report of a person acceptable to the Director who is the auditor of such business or is an accountant eligible for appointment as such auditor, which report shall be signed by the appropriate auditor or accountant and shall state whether in the opinion of such auditor or accountant the financial statements referred to therein present fairly the financial position of the issuer, the subsidiary or the business acquired or to be acquired, as the case may be, and the results of their respective operations for the period under review in accordance with Offering circular to contain report on financial statements

generally accepted accounting principles applied on a basis consistent with the preceding period, if any. R.S.O. 1970, c. 426, s. 46 (1), *amended*.

Reasons for  
qualified  
report

(2) Where the report under subsection 1 does not contain the unqualified opinion required thereby the auditor shall state in his report the reasons therefor. *New*.

Additional  
report

(3) If the offering circular contains a statement of change in net assets, a statement of source and application of funds or a statement of cash receipts and disbursements, the appropriate auditor or accountant shall include in his report a statement whether in his opinion, in effect the statement of change in net assets, the statement of source and application of funds or the statement of cash receipts and disbursements, as the case may be, presents fairly the information shown therein.

Contents of  
reports

(4) The auditor or accountant shall make such examinations as will enable him to make the report required by subsections 1 and 3, and the report shall contain such comments or qualifications as he considers necessary,

- (a) if the financial statements required by the regulations are not in agreement with the accounting records of the issuer or business;
- (b) if he has not received all the information and explanations that he has required;
- (c) if proper accounting records have not been kept, so far as appears from his examinations; or
- (d) if the financial statements required by the regulations are not prepared in accordance with the requirements of the regulations.

Where no  
qualification  
allowed

(5) The report required by subsection 1 shall not contain any qualification where it is reasonably practicable for the issuer, subsidiary or acquired business, as the case may be, to revise its presentation with respect to the matter that would otherwise be the subject of a qualification.

Unaudited  
financial  
statements

(6) The report required by subsection 1 need not relate to any date or period subsequent to the last completed financial year of the issuer, of a subsidiary, or, where financial statements of a business acquired or to be acquired are required or permitted, of such business, as the case may be, where such date is or period ended,



- (a) not more than ninety days before the date of issuance of a receipt for a preliminary offering circular or such longer time as the Director may permit ; and
- (b) not more than one year after the last completed financial year or such longer time as the Director may permit,

provided that the offering circular contains a balance sheet, as at the end of the last completed financial year or as at the end of such other financial year as the Director may permit,

(c) of the issuer ; and

(d) unless the Director otherwise permits, of all its subsidiaries as at the end of the last financial year completed before the issue of such receipt or as at the end of such other financial year as the Director may permit ; and

(e) where financial statements of a business acquired or to be acquired are required or permitted, of such business.

(7) If, pursuant to subsection 5, a financial statement contained in an offering circular is not reported on by an auditor or accountant, there shall be filed with the Commission such advice from the auditor or accountant relating to such financial statement as may be required by the Commission. R.S.O. 1970, c. 426, s. 46 (2-6), *amended*. Advice of auditor, etc.

**86.** Every statement of profit and loss, statement of surplus, balance sheet, statement of source and application of funds, statement of change in net assets, statement of cash receipts and disbursements, *pro forma* statement of profit and loss and *pro forma* balance sheet contained in an offering circular shall be approved by the appropriate board of directors, board of governors, board of trustees or equivalent body of an unincorporated mutual fund, and such approval shall be evidenced by the signatures at the foot of every balance sheet and *pro forma* balance sheet of two directors, governors, trustees or other persons having a like status in an unincorporated mutual fund, duly authorized to signify each such approval. R.S.O. 1970, c. 426, s. 47, *amended*. Financial statements in offering circular to be approved by board of directors

**87.** The Director may direct that separate financial statements or certain of them with respect to a subsidiary of an issuer be included in an offering circular, whether or not the financial statements of such subsidiary are consolidated with Separate financial statements of subsidiaries

the financial statements contained in the offering circular, and, in such event, this Part applies *mutatis mutandis* to such separate financial statements. R.S.O. 1970, c. 426, s. 49, *amended*.

Consents  
of experts  
to be filed

**88.**—(1) If any solicitor, auditor, accountant, engineer, appraiser or any other person or company whose profession gives authority to a statement made by him is named as having prepared or certified any part of an offering circular or cornerstone statement or is named as having prepared or certified a report or valuation used in or in connection with an offering circular or cornerstone statement, the written consent of such person or company to the inclusion of such report or valuation shall be filed with the Commission not later than the time the offering circular or cornerstone statement is filed. R.S.O. 1970, c. 426, s. 50 (1), *amended*.

Consents may  
be dispensed  
with

(2) The Director may dispense with the filing of a consent required by subsection 1 if, in his opinion, such filing is impracticable or involves undue hardship. R.S.O. 1970, c. 426, s. 50 (2).

Contents of  
consents

(3) The consent of the auditor or accountant referred to in subsection 1 shall refer to his report required by section 85, stating the date thereof and the dates of the financial statements on which the reports are made, and shall contain a statement that he has read the offering circular or cornerstone statement and that the information contained therein, which is derived from the financial statements contained in the offering circular or cornerstone statement or which is within his knowledge, is, in his opinion, presented fairly and is not misleading.

Disclosure  
of interest

(4) If a solicitor, auditor, accountant, engineer, appraiser or other person or company referred to in subsection 1 has directly or indirectly received or expects to receive any interest, direct or indirect, in the property of the issuer or any affiliate, or beneficially owns, directly or indirectly, any securities of the issuer or any affiliate, such interest or ownership shall be disclosed in the offering circular.

Idem

(5) If a person or company referred to in subsection 1 is or is expected to be elected or appointed as a director, officer, governor or trustee of or as a person having a like capacity in or as an employee of the issuer or any affiliate, such fact shall be disclosed in the offering circular.

Exception

(6) Notwithstanding subsections 4 and 5, the Director may refuse to issue a receipt for an offering circular if a person or company referred to in subsection 1 is not acceptable to him. R.S.O. 1970, c. 426, s. 50 (3-6), *amended*.

**89.** Where any change is proposed to be made in a preliminary offering circular or offering circular that in the opinion of the Director materially affects any consent required by section 88, the Director may require that a further consent be filed with the Commission before a receipt for the amended offering circular is issued. R.S.O. 1970, c. 426, s. 51, *amended*. Further  
consents

**90.**—(1) No person or company shall engage in the distribution of a security to which section 69 or 91 is applicable until such person or company has notified the Commission in writing of his intention to engage in such distribution. R.S.O. 1970, c. 426, s. 54 (1); 1971, c. 31, s. 9 (1), *amended*. Notice to  
commission  
of distribution

(2) Every person or company shall notify the Commission in writing when, in his opinion, he has ceased to engage in the distribution of a security to which section 69 or 91 is applicable. R.S.O. 1970, c. 426, s. 54 (2); 1971, c. 31, s. 9 (2), *amended*. Notice to  
Commission  
of cessation  
of distribution

**91.** Where distribution of a security is in progress twelve months from, New offering  
circular to  
be filed  
after one  
year of  
distribution

- (a) the date of the issuance of the receipt for the preliminary offering circular relating to such security; or
- (b) the date of the last offering circular relating to such security filed under this section,

as the case may be, a new offering circular that complies with this Part and the regulations shall be filed with the Commission and a final receipt therefor obtained from the Director within twenty days from the expiration of the applicable twelve-month period or, subject to such terms and conditions as the Commission may require, within such greater number of days as it may permit. R.S.O. 1970, c. 426, s. 56; 1971, c. 31, s. 11, *amended*.

**92.**—(1) Where a person or company proposing to make a distribution of previously distributed securities of an issuer is unable to obtain from the issuer of such securities information or material that is necessary for the purpose of complying with this Part or the regulations, the Director may order the issuer of such securities to furnish to the person or company that proposes to make the distribution such information and material as the Director deems necessary for the purposes of the distribution, upon such terms and subject to such conditions as he deems proper, and all such information and material may be used by the person or company to whom it is furnished for the purpose of complying with this Part and the regulations. R.S.O. 1970, c. 426, s. 60 (1); 1971, c. 31, s. 15 (1), *amended*. Order to  
furnish  
information  
necessary for  
distribution

Orders  
waiving  
statutory  
requirements

(2) Where a person or company proposing to make a distribution of previously distributed securities of an issuer is unable to obtain any or all of the signatures to the certificates required by the regulations, or otherwise to comply with this Part or the regulations, the Director may, upon being satisfied that all reasonable efforts have been made to comply with this Part and the regulations and that no person is likely to be prejudicially affected by such failure to comply, make such order waiving any of the provisions of this Part or the regulations as he deems advisable, upon such terms and subject to such conditions as he deems proper. R.S.O. 1970, c. 426, s. 60 (2); 1971, c. 31, s. 15 (2), *amended*.

## PART XIV

### EXEMPTIONS: FILING REQUIREMENTS

Where s. 69  
does not  
apply

**93.**—(1) Subject to subsections 3 and 4, section 69 does not apply to a trade in the course of a distribution where,

(a) the purchaser or proposed purchaser is,

R.S.C. 1970,  
cc. B-1, I-9

(i) a bank to which the *Bank Act* (Canada) applies, or the Industrial Development Bank incorporated under the *Industrial Development Bank Act* (Canada),

R.S.O. 1970,  
c. 254

(ii) a loan corporation or trust company registered under *The Loan and Trust Corporations Act*,

R.S.O. 1970,  
c. 225

(iii) an insurance company licensed under *The Insurance Act*,

(iv) an officer or employee, in the performance of his duties as such, of Her Majesty in right of Canada, or of any province or Territory of Canada, or of any municipal corporation or public board or commission in Canada, or

(v) a person, other than an individual, or company recognized by the Commission as an exempt purchaser, who purchases or proposes to purchase as principal for investment only and not with a view to resale or distribution;

(b) the purchaser or proposed purchaser is a person, other than an individual, or company who purchases or proposes to purchase as principal for investment only and not with a view to resale or distribution, if the trade is in a security which has an aggregate acquisition cost to such purchaser of not less than \$97,000;



(c) the trade is made between a person or company and an underwriter acting as purchaser, or between or among underwriters;

(d) (i) the trade is made by an issuer in a security of its own issue that is distributed or issued by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,

(ii) the trade is made by an issuer in a security whether of its own issue or not that is distributed or issued by it to holders of its securities as incidental to a *bona fide* reorganization or winding up of such issuer or distribution of its assets for the purpose of winding up its affairs, or

(iii) the trade consists of the sale by an issuer of its securities pursuant to the exercise of a right, transferable or otherwise, granted by the issuer to holders of its securities to purchase additional securities of its own issue if it has given the Commission written notice stating the date, amount, nature and conditions of the proposed sale, including the approximate net proceeds to be derived by the issuer on the basis of such additional securities being fully taken up and paid for, and either,

a. the Commission has not informed the issuer in writing within ten days of the giving of such notice that it objects to the sale, or

b. information satisfactory to the Commission relating to the securities has been delivered to and accepted by the Commission,

provided that, with respect to any trade referred to in subclause i or ii, no commission or other remuneration is paid or given to others in respect of such distribution or issuance except for ministerial or professional services or for services performed by a person or company registered for trading in securities under this Act;

(e) the trade is made in a security of a company that is exchanged by or for the account of such company or the holders of the securities of such company in connection with,

- (i) a statutory amalgamation or arrangement,
  - (ii) a statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company, or
  - (iii) a take-over bid as defined in Part XVI;
- (f) the trade is made in a security of an issuer in connection with an offer to purchase shares by way of private agreement with less than fifteen shareholders, or an offer to purchase all the shares of a private company;
- (g) the trade is made in a security by an issuer as consideration for a portion of or all of the assets of any person, other than an individual or company that agrees to hold the securities for investment only, and not with a view to resale or distribution, if the fair value of the assets so purchased is not less than \$100,000;
- (h) the trade is made by an issuer in the securities of its own issue to its promoters;
- (i) the trade is made by an issuer in the securities of its own issue with its employees or the employees of an affiliate who are not induced to trade by expectation of employment or continued employment;
- (j) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the person or company making the purchase is acting as principal;
- (k) the trade is made in previously issued securities for the purpose of distributing such securities where the securities form all or part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of an issuer materially to affect the control of the issuer. R.S.O. 1970, c. 426, s. 58 (1); 1971, c. 31, s. 13 (1), *part, amended*.



(2) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it. 1971, c. 31, s. 13 (1).

Trades  
by trust  
companies  
as trustees  
R.S.O. 1970,  
c. 254

(3) Every trade in securities purchased pursuant to an exemption contained in clauses *a* to *j* of subsection 1 is a distribution unless the issuer of the securities,

Trades in  
securities  
purchased  
pursuant  
to an  
exemption

- (a) is a reporting issuer;
- (b) files with the Commission an amendment to its latest cornerstone statement, containing the details and purpose of the issue of the securities and the sizes and numbers of the purchases, not later than ten days after the receipt of the subscription for such securities and twenty-eight calendar days have elapsed since the date of such filing; and
- (c) makes no special effort whether directly or indirectly to trade the securities and no commission or other remuneration is paid or given to others in respect of such trade except for normal brokerage fees. *New.*

(4) Every trade in a security purchased pursuant to an exemption contained in clause *k* of subsection 1 is a distribution unless,

Idem

- (a) the issuer of the security is a reporting issuer;
- (b) the control person,
  - (i) files with the Commission either an amendment to the latest cornerstone statement of the issuer of the securities or an insider trading report disclosing his control position in respect of the issuer, and twenty-eight calendar days have elapsed since the date of such filing,
  - (ii) makes no special effort whether directly or indirectly, to market the securities, and no commission or other remuneration is paid or given to others in respect of such trade, except for normal brokerage fees, and
  - (iii) files with the Commission within three days after the completion of the trade a report of the trade under Part XVII. *New.*

Interpre-  
tation

(5) For the purpose of subsection 4, a "control person" means a person, company or a combination of persons or companies holding a sufficient number of the securities of an issuer materially to affect the control of such issuer, provided that any person, company or combination of persons or companies holding more than 20 per cent of the outstanding equity shares of the issuer of such shares shall, in the absence of evidence to the contrary, be deemed materially to affect the control of such issuer, and "control position" has a corresponding meaning. *New.*

Where s. 69  
does not  
apply

**94.**—(1) Section 69 does not apply to a distribution of securities,

- (a) that are referred to in subsection 2 of section 38;
- (b) that are listed and posted for trading on any stock exchange recognized by the Commission where such securities are distributed through the facilities of such stock exchange pursuant to the rules of such stock exchange and the requirements of the Commission, provided that a statement of material facts, which shall comply as to form and content with the regulations, is filed with and is acceptable to such stock exchange and the Commission;
- (c) that are listed and posted for trading on any stock exchange recognized by the Commission where such securities are distributed within the meaning of subparagraph ii of paragraph 10 of section 1 through the facilities of the stock exchange by way of isolated trades not made in the course of continued and successive transactions of a like nature; or
- (d) that are exempted by the regulations. R.S.O. 1970, c. 426, s. 58 (2); 1971, c. 31, s. 13 (2), *amended*.

Statement of  
material facts  
deemed  
offering  
circular and  
withdrawal  
and  
rescission  
rights and  
directors'  
liability  
to apply

(2) Sections 77, 78 and 148 apply *mutatis mutandis* to a distribution under clause *b* of subsection 1 as if section 69 or 91 were applicable thereto, and the statement of material facts referred to in clause *b* of subsection 1 shall be deemed conclusively to be an offering circular for the purposes of sections 77, 78 and 148. R.S.O. 1970, c. 426, s. 58 (3), *amended*.

Trades  
deemed  
not a  
distribution

**95.**—(1) The Commission, where in its opinion to do so, would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms and conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution.

(2) Where the Commission determines under subsection 1 <sup>Idem</sup> that a trade or an intended trade would not be a distribution of the security, the Commission may rule that registration is not required in respect of such trade.

(3) Where doubt exists whether a distribution of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly. <sup>Determination of whether a distribution has concluded</sup>  
R.S.O. 1970, c. 426, s. 59 (1-3), *amended*.

(4) A ruling of the Commission under this section is final <sup>No appeal from rulings</sup> and there is no appeal therefrom. 1971, c. 31, s. 14.

## PART XV

### FINANCIAL DISCLOSURE

**96.—**(1) In this Part,

<sup>Interpre-</sup>  
<sup>tation</sup>

(a) “auditor”, used in relation to a corporation, includes the auditor of the corporation and any other independent public accountant; R.S.O. 1970, c. 426, s. 118 (1), cl. (a).

(b) “corporation” means a company,

(i) that has outstanding securities in respect of which a prospectus, statement of material facts or securities take-over bid circular has been filed with and accepted by the Commission under this Act, or any predecessor thereof, or in respect of which a prospectus has been filed under *The Corporations Information Act* being chapter 90 of the Revised Statutes of Ontario, 1970, or any predecessor thereof,

(ii) that has outstanding securities in respect of which a cornerstone statement, an offering circular, a statement of material facts or securities take-over bid circular has been filed with the Commission under this Act, or

(iii) any of whose shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

other than,

(iv) a bank to which the *Bank Act* (Canada) <sup>R.S.C. 1970, c. B-1</sup> applies, or

R.S.O. 1970,  
cc. 254, 224

- (v) a loan corporation or trust company registered under *The Loan and Trust Corporations Act* or a company undertaking and transacting life insurance under *The Insurance Act*. R.S.O. 1970, c. 426, s. 118 (1); 1971, c. 31, s. 37 (1-3), *part, amended*.

Application  
of Part  
to persons

(2) This Part applies *mutatis mutandis* to any person in the same manner as it does to a corporation, where such person has outstanding securities,

(a) in respect of which a prospectus has been filed with and accepted by the Commission under this Act, or any predecessor thereof, or in respect of which a prospectus has been filed under *The Corporations Information Act*, being chapter 90 of the Revised Statutes of Ontario, 1970, or any predecessor thereof; or

(b) in respect of which a cornerstone statement or an offering circular has been filed with and accepted by the Commission under this Act. R.S.O. 1970, c. 426, s. 118 (2); 1971, c. 31, s. 37 (4), *part, amended*.

Auditor's  
examination

**97.**—(1) The auditor of a corporation shall make such examination as will enable him to make the reports referred to in subsections 2, 4 and 5.

Auditor's  
report

(2) The financial statements referred to in section 98 shall be accompanied by a report of the auditor of the corporation who shall state in his report whether in his opinion the financial statements in respect of which his report is made present fairly the financial position of the corporation and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any. R.S.O. 1970, c. 426, s. 119 (1, 2).

Reasons to  
be stated  
for qualified  
opinion

(3) Where the report under subsection 2 does not contain the unqualified opinion required thereby the auditor shall state in his report his reasons therefor. *New*.

Auditor's  
report

(4) If the financial statements contain a statement of source and application of funds or a statement of changes in net assets, the auditor shall include in his report a statement whether in his opinion, in effect, the statement of source and application of funds or the statement of changes in net assets presents fairly the information shown therein.

Idem

(5) The auditor in his report shall make such statements as he considers necessary,



- (a) if the corporation's financial statements are not in agreement with its accounting records;
- (b) if the corporation's financial statements are not in accordance with the requirements of this Act or the regulations;
- (c) if he has not received all the information and explanations that he has required; or
- (d) if proper accounting records have not been kept, so far as appears from his examination. R.S.O. 1970, c. 426, s. 119 (3, 4).

**98.** Every corporation shall file with the Commission annually within one hundred and seventy days from the end of its last completed financial year the comparative financial statements relating separately to,

Comparative  
financial  
statements

- (a) the period that commenced on the date of incorporation and ended as of the close of its first financial year or, if the corporation has completed a financial year, the latest completed financial year, as the case may be; and
- (b) the period covered by the financial year next preceding such latest completed financial year, if any,

made up as required by the regulations. R.S.O. 1970, c. 426, s. 120 (1), *amended*.

**99.** Every corporation that is not a reporting issuer shall file with the Commission within sixty days of the date to which it is made up a copy of a comparative interim financial statement for the six-month period that commenced on the date of incorporation or, if the corporation has completed a financial year, for the six-month period that commenced immediately after the end of the last completed financial year and for the comparable six-month period, if any, in the twelve months immediately preceding the commencement of the six-month period in respect of which such interim financial statement is issued, made up as required by the regulations. R.S.O. 1970, c. 426, s. 130 (1); 1971, c. 31, s. 41 (1), *amended*.

Comparative  
interim  
financial  
statements,  
non-  
reporting  
issuers

**100.** Every corporation that is a reporting issuer shall file with the Commission within thirty days of the date to which it is made up a copy of a comparative interim financial statement,

Idem,  
reporting  
issuers

- (a) for the three-month period that commenced on the date of incorporation, and for each subsequent three-month period during its first financial year, if the corporation has not completed a financial year; or
- (b) for the three-month period that commenced immediately following the end of the last completed financial year end for each subsequent three-month period during each financial year and for the comparable three-month period, if any, in the financial year immediately preceding, if the corporation has completed a financial year,

made up as required by the regulations. *New.*

Filing with  
Commission

**101.**—(1) A corporation may comply with this Part by concurrently filing with the Commission,

- (a) the financial statements and the auditor's reports thereon and the interim financial statements, if any, that are sent or otherwise made available by the corporation to its shareholders; and
- (b) such additional financial information, if any, as is required, when combined with the financial information contained in the financial statements and interim financial statements referred to in clause *a*, to comply substantially with sections 98 to 100 and the regulations.

Idem

(2) Additional financial information filed under clause *b* of subsection 1 shall be accompanied by a report of the auditor of the corporation who shall state in his report whether, in his opinion, such additional financial information, together with the financial statements filed under clause *a* of subsection 1 relating to the same financial period, provides the information required by subsection 1. R.S.O. 1970, c. 426, s. 131 (1, 2).

When to  
be filed

(3) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor's reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

- (a) on the same date as statements are mailed by the corporation to its shareholders; or
- (b) so as to reach the Commission,



- (i) in the case of the annual financial statements mentioned in section 98, within 170 days from the end of the last completed financial year of the corporation,
- (ii) in the case of interim financial statements mentioned in section 99 within sixty days of the date to which the interim financial statements are made up, or
- (iii) in the case of interim financial statements mentioned in section 100, within thirty days of the date to which the interim financial statements are made up,

whichever is earlier. 1971, c. 31, s. 42, *amended*.

**102.**—(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose, <sup>Order of Commission relieving against certain requirements</sup>

- (a) permitting the omission of,
  - (i) any financial statement required to be filed pursuant to section 98,
  - (ii) sales or gross operating revenue from any statement of profit and loss included in the financial statements required to be filed pursuant to section 98, or from any interim financial statements required to be filed pursuant to sections 99 and 100, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
  - (iii) basic earnings per share or fully diluted earnings per share from any statement of income and expenses included in the financial statements required to be filed pursuant to section 98 or the interim financial statements required to be filed pursuant to sections 99 and 100,
  - (iv) information relating to any comparable period required to be covered in the financial statements referred to in sections 98, 99 and 100;

- (b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of the regulations in respect of the contents of a statement of source and application of funds, permitting the corporation to file in lieu thereof, an alternative statement containing such information, if any, as the Commission considers appropriate;
- (c) exempting, in whole or in part, the corporation from the requirements of this Part,
  - (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated, or
  - (ii) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in this Part, or
  - (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing. 1971, c. 31, s. 43.

When  
this Part  
ceases to  
apply

(2) A corporation that is subject to this Part by virtue only of subclause i of clause b of section 96 ceases to be subject to this Part if the corporation does not have owners of its securities whose latest address as shown on the books of the corporation is in Ontario. R.S.O. 1970, c. 426, s. 132 (2).

Under-  
takings

**103.**—(1) The Commission may in its discretion direct the Director to refuse to issue a receipt for an offering circular until such time as the issuer proposing to distribute the securities to be offered by the offering circular delivers or causes to be delivered to the Commission undertakings satisfactory to the Commission in which the issuer undertakes to comply with this Part.

Refusal  
of receipt

(2) The Commission may in its discretion, if satisfied that an undertaking given under subsection 1 has not been complied with, direct the Director either to refuse to issue a receipt for an offering circular relating to securities of the issuer that previously delivered an undertaking to the Commission or to refuse to issue such receipt unless the issuer has agreed to comply with such terms and conditions relating to financial disclosure as may be imposed by the Commission. R.S.O. 1970, c. 426, s. 133, *amended*.

**104.** The financial statements, auditor's reports thereon, <sup>Inspection of filed material</sup> interim financial statements and additional financial information filed with the Commission under this Part shall be open to public inspection at the offices of the Commission during normal business hours of the Commission. R.S.O. 1970, c. 426, s. 135.

## PART XVI

### TAKE-OVER BIDS

**105.** In this Part,

<sup>Interpre-</sup>  
<sup>tation</sup>

- (a) "directors' circular" means a directors' circular prescribed by the regulations;
- (b) "exempt offer" means,
  - (i) an offer to purchase shares by way of private agreement with fewer than fifteen shareholders and not made to shareholders generally,
  - (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 124,
  - (iii) an offer to purchase shares in a private company, or
  - (iv) an offer exempted by order of the Commission made under section 114;
- (c) "offeree" means a person or company to whom a take-over bid is made and whose last address as shown on the books of the offeree company is in Ontario;
- (d) "offeree company" means a company whose shares are the subject of a take-over bid;
- (e) "offeror" means a person or company, other than an agent, who makes a take-over bid, and includes two or more persons or companies,
  - (i) whose take-over bids are made jointly or in concert, or

- (ii) who intend to exercise jointly or in concert any voting rights attaching to the shares for which a take-over bid is made;
- (f) "offeror's presently-owned shares" means equity shares of an offeree company beneficially owned, directly or indirectly, on the date of a take-over bid by the offeror or an associate of the offeror;
- (g) "take-over bid" means an offer, other than an exempt offer, made to shareholders the last address of any of whom as shown on the books of the offeree company is in Ontario to purchase such number of equity shares of a company that, together with the offeror's presently-owned shares, will in the aggregate exceed 20 per cent of the outstanding equity shares of the company;
- (h) "undisclosed principal" means any person or company on whose behalf a take-over bid is made whose identity is not disclosed in the take-over bid or in the take-over circular. R.S.O. 1970, c. 426, s. 81; 1971, c. 31, s. 22.

Provisions  
applicable to  
take-over  
bids

**106.** The following provisions apply to every take-over bid:

1. The period of time in which shares may be deposited pursuant to a take-over bid shall not be less than twenty-one days from the date thereof.
2. Any shares deposited pursuant to a take-over bid shall not be taken up and paid for by the offeror until the expiration of seven days from its date. R.S.O. 1970, c. 426, s. 82 (1, 2).
3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.

5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.
7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up or where the action of the board of directors of the offeree company subsequent to the date of the offer materially changes the undertakings, assets or capital of the offeree company.
11. Where the offer is made for all of the equity shares owned by offerees the offeror shall, at the expiration of thirty-five days from the making of the



offer, take up and pay for the shares tendered at that time or abandon his offer. R.S.O. 1970, c. 426, s. 82; 1971, c. 31, s. 23.

To be sent  
by mail

**107.** A take-over bid shall be sent by prepaid mail to the offerees and shall be deemed conclusively to have been dated as of the date on which it was so sent. R.S.O. 1970, c. 426, s. 83.

Where  
terms  
varied

**108.**—(1) Where the terms of a take-over bid are varied before the expiration thereof by increasing the consideration offered for the equity shares of an offeree company, the offeror shall pay such increased consideration to each offeree whose shares are taken up and paid for pursuant to the take-over bid whether or not such shares have been taken up by the offeror before the variation of the take-over bid. R.S.O. 1970, c. 426, s. 84 (1).

Where  
take-over  
bid  
converted

(2) Where a take-over bid for all the equity shares owned by offerees is converted, by amendments or otherwise, to a bid for less than all the equity shares owned by offerees, the take-over bid shall be deemed conclusively to be for less than all the equity shares owned by offerees. R.S.O. 1970, c. 426, s. 84 (2), *amended*.

Where  
consideration  
is cash

**109.** Where a take-over bid provides that the consideration for the shares deposited pursuant thereto is to be paid in cash or partly in cash, the offeror shall make adequate arrangements to ensure that the required funds are available to effect payment in full for all shares owned by offerees that the offeror has offered to purchase pursuant to the take-over bid. R.S.O. 1970, c. 426, s. 85.

Circular  
required

**110.**—(1) A take-over bid circular shall form part of or accompany a take-over bid.

Contents of  
circular

(2) Every take-over bid circular shall be in the form and shall contain the information prescribed by this Part and the regulations.

Where  
consideration  
is securities

(3) Where a take-over bid provides that the consideration for the shares of the offeree company is to be, in whole or in part, securities of a company, the take-over bid circular shall contain the additional information prescribed by the regulations. R.S.O. 1970, c. 426, s. 86, *amended*.

Directors'  
circular

**111.**—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or



cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by the regulations. 1971, c. 31, s. 24, *amended*.

(2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors. Advising shareholders

(3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer. Idem

(4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with his communication a circular, containing, *mutatis mutandis*, the information required by the regulations relating to his holdings and interest. Recommendation by individual director or officer

(5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company. 1971, c. 31, s. 24. Sending communications

**112.** No report, opinion or statement of a solicitor, auditor, accountant, engineer, appraiser or any other person or company whose profession gives authority to a statement made by him shall form part of or accompany a take-over bid or a directors' circular unless such person or company has consented in writing to the use of the report, opinion or statement. R.S.O. 1970, c. 426, s. 88. Experts' reports

**113.**—(1) Where a take-over bid is made by or on behalf of a company, the contents of the take-over bid circular shall be approved and the delivery thereof authorized by the directors of the company. Approval of circulars

(2) The contents of a directors' circular shall be approved and the delivery thereof authorized by the directors of the offeree company. R.S.O. 1970, c. 426, s. 89. Idem

**114.** Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer, and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms and conditions it may impose, deem the proposed offer to be exempt. 1971, c. 31, s. 26. Order of Commission deeming proposed offer exempt

Where  
principal  
undisclosed

**115.**—(1) Where a take-over bid is made by or on behalf of an undisclosed principal, the undisclosed principal shall be deemed to be the offeror for the purposes of compliance with this Part and the regulations. R.S.O. 1970, c. 426, s. 92, *amended*.

Naming  
of offeror

(2) Where a take-over bid is made for less than all the outstanding equity shares owned by the offerees, the identity of the offeror shall be disclosed in the take-over bid circular. 1971, c. 31, s. 27.

Where  
offeror a  
company

**116.** Where a take-over bid is made by or on behalf of a company, the take-over bid circular shall contain a statement that the contents thereof have been approved and the delivery thereof authorized by the directors of the offeror. R.S.O. 1970, c. 426, s. 93.

Expert's  
reports  
to be  
reproduced

**117.** The consent of a person or company required by section 112 to the inclusion of his report, opinion or statement in a take-over bid or in the material accompanying the take-over bid shall be reproduced in the take-over bid circular. R.S.O. 1970, c. 426, s. 94.

Contents of  
directors'  
circular

**118.** A directors' circular shall be in the form and shall contain the information prescribed in the regulations. R.S.O. 1970, c. 426, s. 96, *amended*.

Expert's  
reports  
to be  
reproduced

**119.** The consent of a person or company required by section 112 to the inclusion of his report, statement or opinion in a directors' circular or in the material accompanying the directors' circular shall be reproduced in the directors' circular. R.S.O. 1970, c. 426, s. 97.

Financial  
statements

**120.** Where any financial statements of the offeree company accompany or form part of a directors' circular, such statements, if not reported upon by the auditor of the company, shall be accompanied by a report of the chief financial officer of the company who shall state in his report whether in his opinion the financial statements referred to therein present fairly the financial position of the offeree company and the results of its operations for the period under review. R.S.O. 1970, c. 426, s. 98.

Grounds for  
rescission  
by offeree

**121.**—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part and the regulations received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made. 1971, c. 31, s. 29, *amended*.

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later. Limitation of action

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact, Exceptions

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed. Receipt by mail

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law. Right of rescission in addition to other rights

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section. 1971, c. 31, s. 29. Circular to contain notice of right of rescission

## PART XVII

### INSIDER TRADING AND SELF-DEALING

**122.**—(1) In this Part,

Interpretation

(a) “associate of a mutual fund” means a person in whom or a company in which the mutual fund, its management company and its distribution company are prohibited by the provisions of this Part from making any investment by way of loan or otherwise;

(b) “capital security” means any share of any class of shares of a company or any bond, debenture, note or other obligation of a company, whether secured or unsecured;

(c) “corporation” has the same meaning as in Part XV;

(d) “insider” or “insider of a corporation” means,

- (i) any director or senior officer of a corporation,
- (ii) any person or company who beneficially owns, directly or indirectly, equity shares of a corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding, provided that in computing the percentage of voting rights attached to equity shares owned by an underwriter there shall be excluded any equity shares acquired by him as underwriter in the course of distribution of such shares, but such exclusion ceases to have effect on completion or cessation of the distribution by him,
- (iii) any person or company who exercises control or direction over the equity shares of a corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding, R.S.O. 1970, c. 426, s. 109 (1).
- (iv) any member of the board of governors, board of trustees or equivalent body of an unincorporated mutual fund;
- (e) "portfolio securities" where used in relation to a mutual fund means securities previously held, held or proposed to be held by the mutual fund;
- (f) "related mutual funds" includes more than one mutual fund under common management. R.S.O. 1970, c. 426, s. 109 (1), *part, amended*.

Idem

- (2) For the purposes of this Part,
  - (a) every director or senior officer of a company that is itself an insider of a corporation shall be deemed to be an insider of such corporation;
  - (b) every management company and every distribution company of a mutual fund and every insider of such management company and distribution company shall be deemed to be an insider of the mutual fund;
  - (c) any issuer in which a mutual fund, alone or together with one or more related mutual funds, holds in excess of 10 per cent of the voting securities shall be deemed to be an associate of the mutual fund and of each of the related mutual funds;



- (d) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a capital security shall be deemed a change in the beneficial ownership of the capital security to which such transferable option relates; R.S.O. 1970, c. 426, s. 109 (2).
- (e) for the purpose of reporting under section 123 or 124, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent. R.S.O. 1970, c. 426, s. 109 (2); 1971, c. 31, s. 31, *part, amended*.

**123.**—(1) A person or company that becomes an insider of a corporation or a mutual fund shall, within ten days after the end of the month in which he becomes an insider, file with the Commission a report as of the day on which he became an insider, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation or the mutual fund. Insider reports to be filed

(2) If a person or company that is an insider of a corporation or a mutual fund, but has no direct or indirect beneficial ownership of or control or direction over capital securities of the corporation or the mutual fund, acquires direct or indirect beneficial ownership of or control or direction over any such securities, he shall, within ten days after the end of the month in which he acquired such direct or indirect beneficial ownership or such control or direction, file with the Commission a report, as of the date of such acquisition, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation or the mutual fund. Idem

(3) A person or company that has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over capital securities of the corporation or the mutual fund changes from that shown or required to be shown in such report or in the latest report filed by him under this section shall, within ten days following the end of the month in which such change takes place, if he was an insider of the corporation or the mutual fund at any time during such month, file with the Commission a report of his direct or indirect beneficial ownership of or his control or direction over capital securities of the corporation or the mutual fund at the end of such month and the change or changes therein that occurred during the month giving such details of each transaction as may be required by the regulations. R.S.O. 1970, c. 426, s. 110, *amended*. Report of subsequent changes

Report by  
offeror  
R.S.O. 1970,  
c. 53

**124.**—(1) Where an offeror as defined in Part XVI becomes an insider under this Part or *The Business Corporations Act* and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding such offeror within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership.

Idem

(2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent.

Idem

(3) Where the facts required to be reported by this section are identical to those required under section 123, a separate report under section 123 is not required. 1971, c. 31, s. 32.

Interpre-  
tation

**125.** For the purposes of sections 126, 127, 128, 129, 130 and 131,

(a) “investment” means,

- (i) an investment in a company by way of purchase of shares or bonds, debentures, notes or other evidences of indebtedness thereof, or
- (ii) a loan to an individual or individuals,

but does not include an advance or loan, whether secured or unsecured, that is made by a mutual fund, its management company or its distribution company that is merely ancillary to the main business of the mutual fund, its management company or its distribution company;

- (b) a person or company or a group of persons or companies has a significant interest in a company if,
  - (i) in the case of a person or company, he owns beneficially, either directly or indirectly, more than ten per cent, or
  - (ii) in the case of a group of persons or companies, they own beneficially, either individually or



together and either directly or indirectly, more than fifty per cent,

of the capital securities of the company for the time being outstanding;

- (c) a person or company or a group of persons or companies is a substantial shareholder or unitholder, as the case may be, of a company or a mutual fund if that person or company or group of persons or companies owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than ten per cent of the voting rights attached to all the equity shares or units of the company or mutual fund for the time being outstanding; and in computing the percentage of voting rights attached to equity shares or units owned by an underwriter, there shall be excluded the voting rights attached to equity shares or units acquired by him as an underwriter during the course of distribution by him of such shares or units.
- (d) where a person or company or group of persons or companies owns beneficially, directly or indirectly, or pursuant to this clause is deemed to own beneficially equity shares of a company, that person or company or group of persons or companies shall be deemed to own beneficially a proportion of the equity shares of any other company that are owned beneficially, directly or indirectly, by the first mentioned company, which proportion shall equal the proportion of the equity shares of the first mentioned company that are owned beneficially, directly or indirectly, or that pursuant to this clause are deemed to be owned beneficially by that person or company or group of persons or companies. *New.*

**126.**—(1) No mutual fund, its management company or distribution company shall knowingly make an investment,

Restrictions on investments by mutual fund, management company, or distribution company

(a) by way of loan to,

- (i) any officer, director, governor, trustee of or other person performing a similar function in, as the case may be, a mutual fund, its management company or distribution company or the spouse or child of any of them,
- (ii) any person, his spouse or any of his children under the age of twenty-one years if either

the person or a group consisting of the persons, his spouse and such children is a substantial unitholder or shareholder, as the case may be, of the mutual fund, its management company or its distribution company; or

(b) in any company that is a substantial unitholder or shareholder, as the case may be, of the mutual fund, its management company or distribution company;

(c) in any company in which the mutual fund, alone or together with one or more related mutual funds, is a substantial shareholder; or

(d) in a company in which,

(i) any person mentioned in subclause i of clause a,

(ii) any person who is a substantial unitholder or shareholder, as the case may be, of the mutual fund, its management company or its distribution company,

(iii) any company that is a substantial unitholder or shareholder, as the case may be, of the mutual fund, its management company or distribution company, or

(iv) a group consisting exclusively of persons mentioned in subclause i of clause a,

has a significant interest.

*Idem*

(2) No mutual fund or its management company or its distribution company shall knowingly hold an investment made after the coming into force of this Act that, at the time it was made, was an investment described in subsection 1. *New.*

Related mutual funds restricted to holding 20 per cent of class of issuer

**127.** No mutual fund shall purchase securities of any class of an issuer if after the purchase the holdings of the mutual fund and of related mutual funds of securities of that class of the issuer exceed 20 per cent of outstanding securities of that class, by number or value. *New.*

Where contracts deemed investments

**128.** No mutual fund or its management company or its distribution company shall knowingly enter into any contract or other arrangement that results in its being directly or contingently liable in respect of any investment by way of

loan to or other investment in a person or a company to whom it is by section 126 prohibited from making a loan or in which it is so prohibited from making any other investment, and for the purposes of section 126 any such contract or other investment shall be deemed to be an investment. *New.*

**129.** The Commission may,

Order of  
Commission

- (a) where it is satisfied that an investment in or a loan to a person or company by a mutual fund, its management company or its distribution company would not result in a benefit, direct or indirect, to any person or company that has power to influence the investment management of the mutual fund, order, subject to such terms and conditions as it may impose, that such person or company is not an associate of the mutual fund;
- (b) where it is satisfied that an investment in or loan to a person or company by a mutual fund or its management company or its distribution company, might result in a benefit, direct or indirect, to any person or company that has power to influence the investment management of the mutual fund, order, subject to such terms and conditions it may impose and for such period specified in the order, that such person or company is an associate of the mutual fund;
- (c) where it is satisfied,
  - (i) that a class of investment or a particular investment represents the business judgment of responsible persons uninfluenced by considerations other than the best interests of a mutual fund, or
  - (ii) that a particular investment is in fact in the best interests of a mutual fund,

order, subject to such terms and conditions as it may impose, that section 126 does not apply to the class of investment or the particular investment. *New.*

**130.** Notwithstanding clause *d* of subsection 1 of section 125, a mutual fund, its management company or its distribution company is not prohibited from making an investment in a company only because a person or group of persons that owns beneficially, directly or indirectly, or is deemed to

Exception  
from s. 126

own beneficially, equity shares or units of the mutual fund or its management company or its distribution company is by reason thereof deemed to own beneficially equity shares of the company. *New.*

Restriction  
on fees to  
associate  
of mutual  
fund

**131.**—(1) No mutual fund shall make any investment, in consequence of which an associate of the mutual fund will receive any fee or other compensation except fees paid pursuant to a contract which is mentioned in any cornerstone statement or offering circular, or any amendment to either of them that is filed by the mutual fund with and is accepted by the Commission.

Order of  
Commission  
exempting  
mutual fund  
from s. 131 (1)

(2) The Commission may, upon the application of a mutual fund and where it is satisfied that it would not be prejudicial to the public interest to do so, order, subject to such terms and conditions as it may impose, that subsection 1 does not apply to the mutual fund. *New.*

Duties of  
managers

**132.**—(1) Every person or company responsible for the management of a mutual fund shall exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the mutual fund, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in the circumstances.

Interpre-  
tation

(2) For the purposes of subsection 1, a person or company is responsible for the management of a mutual fund if he has a legal power or right to control the mutual fund or if in fact he is able to do so. *New.*

Reports by  
management  
company to  
Commission  
of trans-  
actions with  
associates

**133.**—(1) Every management company shall report to the Commission, within ten days after the end of the month in which it occurs,

- (a) every purchase by the mutual fund to which it provides services or advice from, and every sale by such mutual fund to any of its associates;
- (b) every loan received by such mutual fund from or made by such mutual fund to any of its associates;
- (c) every purchase or sale effected by such mutual fund, through any of its associates, with respect to which the associate receives a fee either from the mutual fund or from the other party to the transaction or from both; and
- (d) any transaction in which, by arrangement other than an arrangement relating to insider trading in



portfolio securities, the mutual fund is a joint participant with one or more of its associates.

(2) The Commission may, upon the application of the management company of a mutual fund and where it is of the opinion that it would not be prejudicial to the public interest to do so, order, subject to such terms and conditions as it may impose, that subsection 1 does not apply to any transaction or class of transactions. *New.* Order of Commission exempting transactions from s. 133 (1)

**134.** No person or company who is an insider of a mutual fund or who by reason of his position has access to information concerning the investment program of a mutual fund shall trade in portfolio securities of the mutual fund where such transaction is motivated by knowledge of information concerning the investment program of the mutual fund. *New.* Restriction on trades in portfolio securities by insider

**135.—(1)** All reports filed with the Commission in compliance with this Part shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports. R.S.O. 1970, c. 426, s. 111 (1); 1971, c. 31, s. 33. Public inspection

(2) The Commission shall summarize in or as part of a monthly periodical for distribution to the public on payment of a reasonable fee therefor the information contained in every report filed in compliance with this Part. R.S.O. 1970, c. 426, s. 111 (2). Publication of reports

**136.—(1)** Upon the application of an interested person or company, the Commission may, Order of Commission exempting person or company from s. 123 or 124

- (a) if a requirement of section 123 or 124 conflicts with a requirement of the laws of the jurisdiction in which a corporation or a mutual fund is incorporated or organized, as the case may be; or
- (b) if the laws of the jurisdiction to which the corporation or the mutual fund is subject contain substantially similar requirements as contained in sections 123 and 124; or
- (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 123 and 124. 1971, c. 31, s. 36.

When  
insider  
ceases to  
be subject to  
this Part

(2) An insider of a corporation or a mutual fund ceases to be subject to this Part if the corporation or mutual fund does not have owners of its securities whose last address as shown on the books of the corporation is in Ontario. R.S.O. 1970, c. 426, s. 116 (2), *amended*.

Under-  
takings

**137.**—(1) The Commission may in its discretion direct the Director to refuse to issue a receipt for an offering circular until such time as the reporting issuer proposing to distribute securities to be offered by the offering circular delivers or causes to be delivered to the Commission,

- (a) an undertaking satisfactory to the Commission that the reporting issuer will cause its present and future directors, senior officers, governors or trustees or other persons performing the similar function in the reporting issuer to comply with section 123 and 124; and
- (b) an undertaking by each of the present directors, senior officers, governors or trustees of, or other persons performing the similar function in, the reporting issuer that he will comply with section 123 and 124.

Refusal  
of receipt

(2) The Commission may in its discretion, if satisfied that an undertaking given under subsection 1 has not been complied with, direct the Director either to refuse to issue a receipt for an offering circular relating to securities of a reporting issuer which previously delivered an undertaking to the Commission or to refuse to issue such receipt unless the reporting issuer, its directors and senior officers have agreed to comply with such terms and conditions relating to insider trading as may be imposed by the Commission. R.S.O. 1970, c. 426, s. 117, *amended*.

## PART XVIII

### ENFORCEMENT

Offences.  
offerors

**138.**—(1) An offeror, whether or not an undisclosed principal, who makes a take-over bid that fails to comply with section 106 or 107 or who, in the course of effecting a take-over bid,

- (a) fails to comply with section 108 or 109, where applicable;
- (b) fails to cause a take-over bid circular to form part of or accompany the take-over bid as required by subsection 1 of section 110;



- (c) mails a take-over bid circular that does not contain the information, statements or consents prescribed by the regulations or contains any information that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statements contained therein false or misleading; or
- (d) mails a take-over bid circular to which subsection 3 of section 110 applies that does not contain the information, statements, consents and reports prescribed by the regulations or contains any information that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statements contained therein false or misleading,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, and every person or company who authorizes, permits or acquiesces in any such act or failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1970, c. 426, s. 100 (1).

(2) Every director of an offeree company who authorizes, permits or acquiesces in recommending to the shareholders of the offeree company by means of a directors' circular acceptance or rejection of a take-over bid without complying with section 111 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

(3) Every director of an offeree company who authorizes, permits or acquiesces in the mailing of a directors' circular that does not contain the information, statements, consents and reports prescribed by the regulations or contains any information that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement contained therein false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, c. 426, s. 100 (2, 3), *amended*.

(4) No person or company is guilty of an offence under clause *c* or *d* of subsection 1 or under subsection 3 in respect of any untrue statement of a material fact or omission to state a

material fact in a take-over bid circular or directors' circular, as the case may be, if the untruth of such statement or the fact of such omission was not known to the person or company who authorized, permitted or acquiesced in the mailing of the take-over bid circular or the directors' circular, as the case may be, and in the exercise of reasonable diligence could not have been known to such person or company. R.S.O. 1970, c. 426, s. 100 (4).

Interpre-  
tation

(5) In this section,

- (a) "directors' circular";
- (b) "offeror";
- (c) "offeree company";
- (d) "take-over bid";
- (e) "take-over bid circular"; and
- (f) "undisclosed principal",

have the same meaning as in Part XVI. *New.*

Insiders and  
others

**139.**—(1) Every person or company who,

- (a) being required to file a report in compliance with any provision of Part XVII fails or neglects to do so; or
- (b) subject to subsection 2, in any other manner, contravenes any provision of Part XVII,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company or a mutual fund fails or neglects to file a report or otherwise contravenes the provisions of Part XVII every director, officer, governor or trustee of and every other person performing a similar function in, as the case may be, such company or mutual fund, who authorized, permitted or acquiesced in such failure or other contravention is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 426, s. 112 (1); 1971, c. 31, s. 34 (1), *amended*.

Idem

(2) Every person who and every company or mutual fund that, being required to file a report in compliance with the provisions of Part XVII, files a report that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a com-

pany or a mutual fund files a false or misleading report, every director, officer, governor or trustee of and every other person performing a similar function in, as the case may be, such company or mutual fund who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 426, s. 112 (2); 1971, c. 31, s. 34 (2), *amended*.

(3) No person is guilty of an offence under subsection 2 if he <sup>Defence</sup> did not know and in the exercise of reasonable diligence could not have known that the report was false or misleading by reason of the misstatement or omission of a material fact. R.S.O. 1970, c. 426, s. 112 (3).

**140.** Every person who, every corporation as defined in <sup>Failure to comply with financial disclosure requirements</sup> Part XV and every mutual fund that, fails to comply with any provision of that Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and every director, officer, governor or trustee of and any other person performing a similar function for or in, as the case may be, any person, corporation or mutual fund who authorized, permitted or acquiesced in such failure is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 426, s. 136, *amended*.

**141.—**(1) Every person who, and every company or mutual <sup>General</sup> fund that,

- (a) makes a statement in any material, evidence or information submitted or given under this Act or the regulations to the Commission, its representative, the Director or to any person appointed to make an investigation or audit under this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading;
- (b) makes a statement in any application, report, cornerstone statement, offering circular, return, financial statement or other document, required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading;

(c) contravenes this Act or the regulations; or

(d) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is, except where such conduct also constitutes an offence under section 138, 139 or 140, guilty of an offence and on summary conviction is liable, in the case of a company or mutual fund, to a fine of not more than \$25,000 and, in the case of a person, to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1970, c. 426, s. 137 (1), *amended*.

Defence

(2) No person, company or mutual fund is guilty of an offence under clause *a* or *b* of subsection 1 if he did not know and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Directors,  
officers,  
governors,  
trustees, etc.

(3) Where a company or a mutual fund is guilty of an offence under subsection 1, every director, officer, governor or trustee of, and every other person performing a similar function in such company or mutual fund who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1970, c. 426, s. 137 (2, 3).

Consent of  
Minister

**142.** No proceedings under sections 137 to 141 shall be instituted except with the consent or under the direction of the Minister. R.S.O. 1970, c. 426, s. 138 (1).

Information  
may charge  
more than  
one offence

**143.** An information in respect of any contravention of this Act may be for one or more offence, and no information, summons, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. R.S.O. 1970, c. 426, s. 139.

Execution  
of warrant  
issued in  
another  
province

**144.**—(1) Where a provincial judge, magistrate or justice of another province or territory of Canada issues a warrant for the arrest of any person on a charge of contravening any provision of a statute of such province or territory similar to this Act, any provincial judge or justice of Ontario within whose jurisdiction that person is or is suspected to be may, upon satisfactory proof of the handwriting of the provincial judge, magistrate or justice who issued the warrant, make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed is sufficient authority to the person bringing the warrant and to all other persons to whom it was



originally directed and to all constables within the territorial jurisdiction of the provincial judge or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario.

(2) Any constable of Ontario or of any other province or territory of Canada who is passing through Ontario having in his custody a person arrested in another province or territory under a warrant endorsed under subsection 1 is entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. R.S.O. 1970, c. 426, s. 149. <sup>Prisoner in transit</sup>

**145.**—(1) Where it appears to the Commission that any person, company or mutual fund has failed to comply with or is violating any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights it may have, the Commission may apply to a judge of the High Court designated by the Chief Justice of the High Court for any order directing such person, company or mutual fund to comply with such provision or for an order restraining such person, company or mutual fund from violating such provision, and upon the application the judge may make such order or such other order as the judge thinks fit. R.S.O. 1970, c. 426, s. 143 (1), *amended*. <sup>Order for compliance</sup>

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. R.S.O. 1970, c. 426, s. 143 (2). <sup>Appeal</sup>

**146.**—(1) The Commission may, where in its opinion such action is in the public interest, order, subject to such terms and conditions as it may impose, that trading shall cease in respect of such securities for such period as is specified in the order. <sup>Order suspending trading</sup>

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event the Commission may make a temporary order, which shall expire fifteen days from the date of the making thereof, but such order may be required for such period as the Commission considers necessary where satisfactory information is not provided to the Commission within the fifteen-day period. <sup>Temporary order</sup>

(3) The Commission may give notice of its intention to make an order or to hold a hearing under this section by publication in a newspaper of general circulation or in such other manner <sup>Notice of order</sup>

and to such persons as the Commission thinks fit. R.S.O. 1970, c. 426, s. 144.

Time  
limitation

**147.**—(1) Subject to subsection 2 and to subsection 3 of section 149, no proceeding under this Act shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Idem

(2) No proceedings under this Part shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission. R.S.O. 1970, c. 426, s. 138 (2, 3).

## PART XIX

### CIVIL LIABILITY

Liability of  
directors, etc.

**148.** Where a receipt for an offering circular has been issued by the Director, notwithstanding that such receipt is thereafter revoked, every purchaser of the securities to which the offering circular relates shall be deemed to have relied upon the statements made in the latest cornerstone statement of the issuer of the securities to which the offering circular relates, the offering circular, and any amendment to them, whether or not the purchaser has received the cornerstone statement, offering circular or amendment, and, if a material false statement is contained in the cornerstone statement, offering circular or amendment, every person who, at the time of the issue of a receipt for the cornerstone statement or offering circular, or at the time the amendment was filed with the Commission, is a director, officer, governor, trustee of or a person having a like status in the issuer or a person who, or company that, as chief executive officer, chief financial officer, governor, trustee, promoter or person having a like status in the issuer, as the case may be, signed any certificate contained in the offering circular, is liable to pay compensation to all persons or companies who have purchased the securities for any loss or damage such persons or companies have sustained as a result of such purchase unless it is proved,

- (a) that the cornerstone statement, offering circular or amendment was filed with the Commission without his knowledge or consent, and that, on becoming aware of its filing with the Commission, he forthwith gave reasonable public notice that it was so filed;
- (b) that, after the issue of a receipt for the offering circular and before the purchase of the securities by such purchaser, on becoming aware of any false statement in the cornerstone statement, offering cir-



cular or amendment, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reason therefor;

- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a cornerstone statement, offering circular or amendment or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document. R.S.O. 1970, c. 426, s. 142, *amended*.

**149.** Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part XVI, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required by the regulations to sign a certificate is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved, Consequence of false statement in information circular

- (a) that the circular was prepared and sent without his knowledge or consent, and that, on becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;
- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;

- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement a copy or extract from the document. 1971, c. 31, s. 45.

Liability of  
insiders and  
associates,  
etc.

**150.**—(1) Every person who, or every company that,

- (a) being an insider of, a corporation, as defined in Part XV, or of a mutual fund; or
- (b) being an associate or affiliate of such insider,

in connection with a transaction relating to the capital securities of the corporation, as defined in Part XVII, or the shares or units of the mutual fund makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, shares or units, is liable to compensate any person or company for any direct loss suffered by such person or company as a result of such transaction, unless such information was known to such person or company at the time of such transaction, and is also accountable to the corporation or the mutual fund for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction. R.S.O. 1970, c. 426, s. 113 (1), *amended*.

Idem

(2) Every person who, or every company that,

- (a) being an insider of a mutual fund, as defined in Part XVII;
- (b) being an associate or affiliate of such insider; or
- (c) being a person or company who by reason of his position has access to information concerning the investment program of the mutual fund,

in connection with a transaction relating to portfolio securities of the mutual fund as defined in Part XVII makes use of any specific confidential information for his own

benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of any such securities, is accountable to the mutual fund for any direct benefit or advantage received or receivable by such insider, associate, affiliate, person or company, as the case may be, as a result of such transaction. *New.*

(3) An action to enforce any right created by subsection 1 <sup>Time</sup> or 2 may be commenced only within two years after the date of <sup>limitation</sup> completion of the transaction that gave rise to the cause of action. R.S.O. 1970, c. 426, s. 113 (2).

**151.**—(1) Upon application by any person who, or company <sup>Order to</sup> that was at the time of a transaction referred to in subsection 1 <sup>commence</sup> of section 150 or is at the time of the application an owner of <sup>action</sup> capital securities of the corporation or shares or units of the mutual fund, a judge of the High Court designated by the Chief Justice of the High Court may, if satisfied that,

- (a) such person or company has reasonable grounds for believing that the corporation or mutual fund has a cause of action under subsection 1 of section 150 ; and
- (b) either,
  - (i) the corporation or mutual fund has refused or failed to commence an action under subsection 1 of section 150 within sixty days after receipt of a written request from such person or company so to do, or
  - (ii) the corporation or mutual fund has failed to prosecute diligently an action commenced by it under subsection 1 of section 150,

make an order, upon such terms as to security for costs and otherwise as to the judge seems fit, requiring the Commission to commence or continue an action in the name of and on behalf of the corporation or mutual fund to enforce the liability created by subsection 1 of section 150. R.S.O. 1970, c. 426, s. 114 (1), *amended.*

(2) Upon application by any person who or company that <sup>Idem</sup> was at the time of a transaction referred to in subsection 2 of section 150 or is at the time of the application a shareholder or unitholder of the mutual fund, a judge of the High Court designated by the Chief Justice of the High Court may, if satisfied that,

- (a) such person or company has reasonable grounds for believing that the mutual fund has a cause of action under subsection 2 of section 150; and
- (b) either the mutual fund has refused or failed to commence an action under subsection 2 of section 150 within sixty days after receipt of a written request from such person or company so to do, or has failed to prosecute diligently an action commenced by it under subsection 2 of section 150,

make an order, upon terms as to security for costs or otherwise as to the judge seems fit, authorizing such person or company or the Commission to commence and prosecute or to continue an action in the name of and on behalf of the mutual fund to enforce the liability created by subsection 2 of section 150.

Idem

(3) Where a person who, or company that is a shareholder or unitholder of the mutual fund or the Commission has been authorized by an order made under subsection 2 to commence and prosecute or to continue an action to enforce the liability created by subsection 2 of section 150, a judge of the High Court designated by the Chief Justice of the High Court may, if satisfied upon the application by the board of directors or other body that properly represents the mutual fund, that the shareholders or unitholders of the mutual fund named in the order or the Commission,

- (a) have failed or refused to commence the action within sixty days of the date of the making of the order; or
- (b) have failed or refused to prosecute diligently an action commenced pursuant to the order,

make an order, upon such terms as to security for costs or otherwise as to the judge seems fit, rescinding the order made under subsection 2 and authorizing such board of directors or other body to commence and prosecute or to continue the action in the name and on behalf of the mutual fund to enforce the liability created by subsection 2 of section 150.

Costs

(4) Where an action under subsection 2 of section 150 is,

- (a) commenced;
- (b) commenced and prosecuted; or
- (c) continued,

by the board of directors or other body that properly represents a mutual fund, the trial judge or a judge of the



High Court designated by the Chief Justice of the High Court may order that the costs properly incurred by such board of directors or other body in commencing, commencing and prosecuting or continuing the action, as the case may be, shall be paid by the mutual fund, if he is satisfied that the action was *prima facie* in the best interests of the mutual fund and the shareholders or unitholders thereof.

(5) Where an action under subsection 2 of section 150 is, *Idem*

- (a) commenced;
- (b) commenced and prosecuted; or
- (c) continued,

by a person or company who is a shareholder or unitholder of the mutual fund, the trial judge or a judge of the High Court designated by the Chief Justice may order that the costs properly incurred by such person or company in commencing, commencing and prosecuting or continuing the action, as the case may be, shall be paid by the mutual fund, if he is satisfied that,

- (d) the board of directors of or other body that properly represents the mutual fund failed to commence the action or had commenced it but had failed to prosecute it diligently; and
- (e) the continuance of the action was *prima facie* in the best interests of the mutual fund or the owners of shares or units thereof.

(6) Where an action under subsection 2 of section 150 is, *Idem*

- (a) commenced;
- (b) commenced and prosecuted; or
- (c) continued,

by the Commission, the trial judge or a judge of the High Court designated by the Chief Justice of the High Court shall order the mutual fund to pay all costs properly incurred by the Commission in commencing, commencing and prosecuting or continuing the action, as the case may be.

(7) In determining whether an action or its continuance is *prima facie* in the best interests of a mutual fund and the shareholders or unitholders thereof, the judge shall consider Considerations to determine best interests of a mutual fund

the relationship between the potential benefit to be derived from the action by the mutual fund and the shareholders or unitholders thereof, and the cost involved in the prosecution of the action. *New.*

Notice to  
corporation,  
mutual fund  
and O.S.C.

(8) Notice of every application under subsection 1 or 2 shall be given to the Commission, the corporation, and the mutual fund, as the case may be, and each of them may appear and be heard thereon. R.S.O. 1970, c. 426, s. 114 (2), *amended*.

Order to  
require  
corporation  
or mutual  
fund to  
co-operate

(9) Every order made under subsection 1 or 2 authorizing the Commission to commence and prosecute or continue an action shall provide that the corporation or mutual fund, as the case may be, shall co-operate fully with the Commission in the commencement and prosecution or continuation of the action, and shall make available to the Commission all books, records, documents and other material or information known to the corporation or mutual fund or reasonably ascertainable by the corporation or mutual fund relevant to such action. R.S.O. 1970, c. 426, s. 114 (3), *amended*.

Appeal

(10) An appeal lies to the Court of Appeal from any order made under this section. R.S.O. 1970, c. 426, s. 114 (4).

Who may  
commence,  
etc., action

**152.** An action to enforce any right accruing to a mutual fund by virtue of section 148 and the proceedings necessarily incidental to such action may be commenced, prosecuted or continued in the name and on behalf of the mutual fund by,

- (a) the board of directors of the mutual fund, if the mutual fund is incorporated; or
- (b) the governors or trustees of or other body that properly represents the mutual fund, if the mutual fund is unincorporated. *New.*

Where  
Minister's  
consent  
required

**153.**—(1) Except with the consent of the Minister, no action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy lies or shall be instituted,

- (a) against any person, whether in his public or private capacity, or against any company in respect of any act or omission in connection with the administration or the carrying out of the provisions of this Act or the regulations where such person is a member of the Commission, a representative of the Commission or the Director, or where such person or company was proceeding under the written or oral direction or consent of any one of them or under an order of the Minister made under this Act; or



- (b) against any exchange auditor, district association or association auditor, employed under clause *b* of section 22, in respect of the performance of his duties as such.

(2) No person or company has any rights or remedies and no proceedings lie or shall be brought against any person or company in respect of any act or omission of the last-mentioned person or company done or omitted in compliance or intended compliance with, Where  
action does  
not lie

- (a) any requirement, order or direction under this Act of,
- (i) the Commission or any member thereof,
  - (ii) the Director,
  - (iii) any person appointed by order of the Minister,
  - (iv) the Minister,
  - (v) any representative of the Minister, the Commission, the Director or of any person appointed by the Minister; or

- (b) this Act and the regulations. R.S.O. 1970, c. 426, s. 145.

## PART XX

### GENERAL PROVISIONS

**154.** A statement as to,

- (a) the registration or non-registration of any person company or mutual fund;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Commission; or
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing or to any such person, company, mutual fund, document or material,

Admis-  
sibility  
in evidence  
of certified  
statements

purporting to be certified by the Commission or a member thereof or by the Director is, without proof of the office or signature of the person certifying, receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 426, s. 148, *amended*.

**155.** The Lieutenant Governor in Council may make regulations,

1. prescribing categories for companies and the manner of allocating companies to categories, and prescribing the form and content of cornerstone statements, amendments to cornerstone statements, offering circulars, amendments to offering circulars and statements of material facts to be filed with the Commission in accordance with their categories;
2. prescribing the form and content of financial statements and interim financial statements required to be filed with the Commission pursuant to this Act;
3. prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations;
4. classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as,
  - i. investment dealer, unless he is a member of the Ontario District of the Investment Dealers' Association of Canada,
  - ii. broker, unless he is a member of a stock exchange in Ontario recognized by the Commission,
  - iii. broker-dealer, unless he is a member of the Broker-Dealers' Association of Ontario;
5. regulating the listing and trading of securities and records relating thereto;
6. governing the furnishing of information to the public or to the Commission by a registrant in connection with securities or trades therein;
7. regulating the trading of securities other than on a stock exchange recognized by the Commission;
8. governing the keeping of accounts and records, the preparation and filing of financial statements of the affairs of security issuers and the audit requirements with respect thereto;

9. respecting fees payable by a mutual fund to a management company as consideration for administrative or investment management services or investment advice provided by the management company to the mutual fund;
10. respecting sales charges payable by a purchaser of shares or units of a mutual fund under a contractual plan to a distribution company or contractual plan service company and commissions to be paid to salesmen of shares or units of a mutual fund;
11. designating any person or company or any class of persons or companies that shall not be required to obtain registration as adviser;
12. prescribing the fees payable to the Commission including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;
13. prescribing the documents, certificates, reports, statements, agreements and other information and the form, content and other particulars relating thereto that are required to be filed, furnished or delivered under this Act and the regulations;
14. prescribing the practice and procedure of investigations under sections 14 and 16;
15. prescribing the forms for use under this Act and the regulations;
16. prescribing trades or securities, in addition to the trades and securities referred to in section 38, in respect of which registration shall not be required;
17. prescribing trades or securities, referred to in section 38 in respect of which there shall cease to be exemption from registration;
18. prescribing trades or securities, in addition to the trades and securities referred to in sections 93 and 94, in respect of which section 69 does not apply;
19. prescribing terms and conditions that shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash;

20. prescribing the practice and procedure by which the Commission recognizes exempt purchasers under paragraph 3 of subsection 1 of section 38;
21. prescribing the information required or permitted to be distributed under clause *a* of subsection 2 of section 72;
22. respecting the matters referred to in clause *f* of subsection 1 of section 80 and, without limiting the generality of the foregoing, pertaining to requirements as to paid up capital and surplus, liquidity of assets, ratios of debt to paid up capital and surplus, audit procedures, the furnishing of interim financial statements and the provisions of trust indentures and the qualifications, rights, duties and obligations of trustees thereunder;
23. respecting the content and distribution of written, printed or visual material and advertising that may be distributed by a person or company with respect to a security whether in the course of a distribution or otherwise;
24. prescribing the form and content of the reports to be filed under Part XVII;
25. respecting any other matter necessary or advisable to carry out effectively the intent and purpose of Part XVII;
26. prescribing the form and content of a take-over bid circular and a directors' circular required by Part XVI; R.S.O. 1970, c. 426, s. 147, *amended*.

## PART XXI

### TRANSITIONAL

Registration  
R.S.O. 1970,  
c. 426

**156.**—(1) Every registration in force under *The Securities Act*, at the date of the coming into force of this Act shall, subject to this Act, continue in force as a registration under this Act.

Distribution

(2) Where, within a period of one year prior to the date on which this Act comes into force, a prospectus was filed with the Commission pursuant to *The Securities Act*, in such circumstances that section 69 or 91 of this Act would have been applicable thereto if those sections had been in force on the date of the filing of such prospectus, then section 69

of this Act shall apply if the distribution is to continue, and the necessary material shall be filed with the Commission and receipts therefor obtained from the Director within twelve months and twenty days from the date of the filing of the prospectus or the last prospectus, as the case may be, under *The Securities Act*, or, subject to such terms and conditions as the Commission may require, within such greater number of days as it may permit. *New.*

## PART XXII

### MISCELLANEOUS

**157.** The following are repealed:

Repeal

1. *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970.
2. *The Securities Amendment Act, 1971*, being chapter 31.
3. Section 55 of *The Government Reorganization Act, 1972*, being chapter 1.

**158.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-</sup>ment

**159.** This Act may be cited as *The Securities Act, 1972*. <sup>Short title</sup>



# THE SECURITIES ACT, 1972

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The Securities Act, 1972

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*1st Reading*

June 1st, 1972

*2nd Reading*

*3rd Reading*

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THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Securities Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

In addition to the liability of an insider to compensate a person or company for direct loss suffered as a result of use of confidential information in the manner specified, the Bill makes it an offence to so use such information.



BILL 155

1972

## An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 113 of *The Securities Act*, being<sup>s. 113 (1), amended</sup> chapter 426 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000", so that the subsection shall read as follows:

- (1) Every insider of a corporation or associate or affiliate<sup>Liability of insiders</sup> of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person or company for any direct loss suffered by such person or company as a result of such transaction, unless such information was known or ought reasonably to have been known to such person or company at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

2. This Act comes into force on the day it receives Royal<sup>Commence-</sup> Assent.<sup>ment</sup>

3. This Act may be cited as *The Securities Amendment*<sup>Short title</sup> Act, 1972.

An Act to amend The Securities Act

*1st Reading*

June 5th, 1972

*2nd Reading*

*3rd Reading*

MR. SHULMAN

*(Private Member's Bill)*

## BILL 156

## Government Bill

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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An Act to amend The Mortmain and Charitable Uses Act

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THE HON. D. A. BALES  
Attorney General

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TORONTO

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#### EXPLANATORY NOTE

Land devised, assured or conveyed for charitable or certain public purposes is required to be sold within two years or it vests in the Public Trustee for sale. The amendment modifies the rule where there is a life interest and the charitable or public body is given the remainder. In this case, the two years starts to run when the life interest is expended.

BILL 156

1972

## An Act to amend The Mortmain and Charitable Uses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Section 10 of *The Mortmain and Charitable Uses Act*, being chapter 280 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
- (3) Where a devise, assurance, gift, grant or conveyance referred to in subsections 1 and 2 of this section or in subsection 3 of section 8 or subsection 3 of section 13 is subject to a life interest, life annuity or income for life, the two year period referred to in the said provision shall be two years after the life interest, life annuity or income for life ceases to exist.
- (2) Subsection 1 applies in respect of land devised, assured, given, granted or conveyed after this Act comes into force or before this Act comes into force and undisposed of by the Public Trustee under subsection 2 of section 10 of *The Mortmain and Charitable Uses Act*.
- 2.** This Act comes into force on the day it receives Royal Assent.
- 3.** This Act may be cited as *The Mortmain and Charitable Uses Amendment Act, 1972*.

s. 10,  
amended

Where land  
subject to  
life interest

Application  
of subs. 1

R.S.O. 1970,  
c. 280

Commence-  
ment

Short title

An Act to amend  
The Mortmain and Charitable Uses Act

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*1st Reading*

June 5th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. D. A. BALES  
Attorney General

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*(Government Bill)*

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A20N  
B  
B 56

**BILL 156**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Mortmain and Charitable Uses Act**

THE HON. D. A. BALES  
Attorney General





BILL 156

1972

## An Act to amend The Mortmain and Charitable Uses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 10 of *The Mortmain and Charitable Uses Act*, being chapter 280 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(3) Where a devise, assurance, gift, grant or conveyance referred to in subsections 1 and 2 of this section or in subsection 3 of section 8 or subsection 3 of section 13 is subject to a life interest, life annuity or income for life, the two year period referred to in the said provision shall be two years after the life interest, life annuity or income for life ceases to exist.

(2) Subsection 1 applies in respect of land devised, assured, given, granted or conveyed after this Act comes into force or before this Act comes into force and undisposed of by the Public Trustee under subsection 2 of section 10 of *The Mortmain and Charitable Uses Act*.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Mortmain and Charitable Uses Amendment Act, 1972*.

An Act to amend  
The Mortmain and Charitable Uses Act

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*1st Reading*

June 5th, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

June 13th, 1972

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THE HON. D. A. BALES  
Attorney General

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## BILL 157

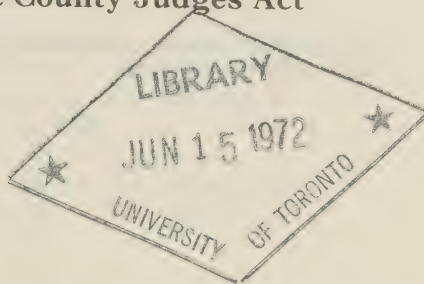
Government Bill

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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An Act to amend The County Judges Act



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THE HON. D. A. BALES  
Attorney General

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TORONTO

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#### EXPLANATORY NOTE

The fixed number of additional judges is deleted to permit additional appointments as necessary.



BILL 157

1972

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The County Judges Act*, <sup>s. 4 (1),</sup> amended being chapter 95 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 4, section 2, is further amended by striking out "one or more judges or junior judges, not exceeding twenty in number" in the second and third lines and in the amendment of 1971 and inserting in lieu thereof "such judges or junior judges as are considered necessary".

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The County Judges Amendment* <sup>Short title</sup> Act, 1972.

An Act to amend  
The County Judges Act

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*1st Reading*

June 5th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. D. A. BALES  
Attorney General

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(*Government Bill*)

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## BILL 157

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 III

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**An Act to amend The County Judges Act**

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THE HON. D. A. BALES  
Attorney General

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TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 157

1972

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The County Judges Act*, <sup>s. 4 (1), amended</sup> being chapter 95 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 4, section 2, is further amended by striking out "one or more judges or junior judges, not exceeding twenty in number" in the second and third lines and in the amendment of 1971 and inserting in lieu thereof "such judges or junior judges as are considered necessary".

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The County Judges Amendment* <sup>Short title</sup> Act, 1972.

An Act to amend  
The County Judges Act

---

*1st Reading*

June 5th, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

June 13th, 1972

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THE HON. D. A. BALES  
Attorney General

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Loan and Trust Corporations Act**

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment ensures the exclusion of credit unions from the definition of loan corporation.

SECTION 2. The amendments confirm the application of various provisions of the Act to the classes of corporations mentioned.

SECTION 3. The amendment permits the particulars a shareholder may be required to supply the director to be given by a written statement rather than affirmed by statutory declaration.

SECTION 4. The requirement of reporting to the Registrar transfers of shares in excess of 10 per cent of the issued shares is extended to reporting on the issue of such shares from the treasury of the corporation.

The saving provisions with respect to directors relying upon statements of shareholders with respect to residency is extended to those acting as proxies for such shareholders.

BILL 158

1972

## An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, is amended by inserting after "company" in the seventh line "a credit union incorporated under *The Credit Unions Act*". s. 1 (h),  
amended

2. Subsection 3 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (3),  
re-enacted

(3) Sections 3 to 65, except sections 24, 26, 30 and 46, and sections 72 to 76, and sections 95, 98, 99, 100, 157, 158, 163, 165 apply only to provincial corporations. Idem

(4) Sections 66 to 71 apply only to registered corporations having their head office in Ontario. Idem

(5) Sections 127, 128, 138, 156, 157, 166, 167 and sections 170 to 172 and section 175 apply only to registered corporations. Idem

3. Clause *a* of subsection 1 of section 57 of the said Act is amended by striking out "statutory" in the second line and inserting in lieu thereof "written". s. 57 (1) (a),  
amended

4. Sections 58 and 59 of the said Act are repealed and the following substituted therefor: ss. 58, 59,  
re-enacted

58. No transfers or issue of shares of a corporation shall be entered in the books maintained under section 66 until thirty days after notice thereof has been deposited with the Registrar, if, Report to  
the Registrar

- (a) the transfer or issue relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or
- (b) the directors have reason to believe that the transfer or issue would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.

Liability of  
directors

59. In determining, for the purposes of sections 54 to 58, whether a person is a resident or a non-resident, by whom a corporation is controlled or any other circumstances relevant to the performance of their duties under those sections, the directors of the corporation and any other person acting as proxy for a shareholder of the corporation may rely upon any statement made in any declarations made under section 57 or rely upon their own knowledge of the circumstances; and the directors and any such person are not liable in any action for anything done or admitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

s. 65,  
amended

5. Section 65 of the said Act is amended by adding thereto the following subsections:

Prohibition  
re purchase  
of common  
shares

(12) A corporation may purchase its own common shares if the purchase is made,

- (a) for the purpose of eliminating fractions of shares; or
- (b) for the purpose of collecting or compromising indebtedness to the corporation.

Not to  
redeem if  
insolvent

(13) A corporation shall not redeem or purchase its own preference shares if,

- (a) the corporation is insolvent or if the redemption or purchase would render the corporation insolvent; or
- (b) the effect of the redemption or purchase would reduce the corporation's unimpaired capital and reserve to an amount that would place the corporation in contravention of section 82 or 90.

SECTION 5. Additional prohibitions are provided with respect to the purchase of common shares and the redemption of preference shares by Ontario corporations.

SECTION 6. The amendment requires additional disclosure in the financial statements of Ontario corporations who own or invest in subsidiary companies that have sustained losses.

SECTION 7. The requirement of Ontario loan corporations to have an audit committee to review its financial statements is removed in the case of a loan corporation that does not accept money by way of deposit or issue debentures.

SECTION 8. The amendment corrects an error to confirm that only the limitation on borrowing is being referred to.



- (14) The authorized and issued capital of the corporation is decreased when it redeems or purchases its own preference shares by the number and par value of the shares so purchased or redeemed and subsections 1 to 3 and 5 to 12 do not apply thereto. Decrease in capital by redemption

**6.** Section 74 of the said Act is amended by adding thereto the following subsection: s. 74, amended

- (7a) Where a corporation is a holding corporation and the financial statement to be presented to its shareholders is on a consolidated basis, the auditor in his report to the shareholders of the corporation shall state the additional amount, if any, that in his opinion is necessary to make full provision for, Statement on a consolidated basis

(a) where there is only one subsidiary of the corporation, the corporation's proportion of any loss of its subsidiary since it acquired shares of the subsidiary;

(b) where there is more than one such subsidiary, the corporation's proportion of the aggregate losses of its subsidiaries since it acquired shares of the subsidiaries that is in excess of its proportion of any undistributed profits of its subsidiaries since it acquired shares of the subsidiaries.

**7.** Section 76 of the said Act is amended by adding thereto the following subsection: s. 76, amended

- (6) This section does not apply to a loan corporation that does not accept money by way of deposit or issue debentures. Exemption

**8.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor: s. 78 (4), re-enacted

- (4) Subsection 1 applies to loan corporations registered on or after the 1st day of January, 1968 and subsection 1 of section 71 of *The Loan and Trust Corporations Act*, being chapter 222 of the Revised Statutes of Ontario, 1960, as re-enacted by subsection 1 of section 5 of *The Loan and Trust Corporations Amendment Act, 1966*, applies to loan corporations registered before the 1st day of January, 1968. Application of subsection 1 1966, c. 81

s. 80 (c),  
re-enacted

**9.** Clause *c* of section 80 of the said Act is repealed and the following substituted therefor:

(c) mature on such date.

s. 81 (1),  
amended

**10.** Subsection 1 of section 81 of the said Act is amended by inserting after "Every" in the first line "registered".

s. 87,  
amended

**11.** Section 87 of the said Act is amended by adding thereto the following subsection:

Borrowing  
by-law

(3) A provincial trust company shall not borrow money under subsection 2 unless it is authorized to do so by by-law and such by-law does not take effect unless it,

(a) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the trust company duly called to consider such by-law; or

(b) has been passed by the directors and confirmed at a general meeting of the shareholders of the trust company duly called to consider such by-law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

s. 89a,  
enacted

**12.** The said Act is amended by adding thereto the following section:

Deposit and  
investment  
by-law

**89a.** A provincial trust company shall not exercise any of the powers contained in sections 88 and 89 unless it is authorized to do so by by-law and such by-law does not take effect unless it,

(a) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the trust company duly called to consider such by-law; or

(b) has been passed by the directors and confirmed at a general meeting of the shareholders of the trust company duly called to consider such by-

SECTION 9. The requirement that debentures of a loan corporation must mature on a date not less than one year from the date of issue is removed.

SECTION 10. The application of the requirement to maintain reserves for deposits is clarified as applying to all registered corporations.

SECTION 11. The administrative requirement that Ontario trust companies may exercise restricted borrowing powers when approved by by-law is now confirmed as a statutory requirement.

SECTION 12. The amendment requires a provincial trust company to only receive deposits or money for investment that is guaranteed if authorized by by-law in accordance with the amendment.

SECTION 13. The provision permitting a trust company to pledge earmarked assets for a loan from Canada Deposit Insurance Corporation is amended to clarify that it refers to provincial trust companies.

SECTION 14. The provision requiring reserves on deposits of trust companies is amended to clarify that it refers to registered trust companies.

SECTION 15. The provision for changing the location of the head office of a corporation is amended to clarify that it refers to provincial corporations.

SECTION 16. The imposition of terms and conditions for admittance to registry of other than Ontario corporations is extended to include a deposit of approved securities in a manner similar to that of insurance companies.

SECTION 17. The amendment deems the advancing of funds of others by a corporation for the purpose of making mortgage loans to be acting as a loan corporation.

law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

**13.** Section 91 of the said Act is amended by inserting after <sup>s. 91, amended</sup> “a” in the first line “provincial”.

**14.** Subsection 1 of section 93 of the said Act is amended <sup>s. 93 (1), amended</sup> by inserting after “Every” in the first line “registered”.

**15.** Subsection 5 of section 136 of the said Act is amended by <sup>s. 136 (5), amended</sup> inserting after “a” in the first line “provincial”.

**16.** Subsection 3 of section 137 of the said Act is repealed <sup>s. 137 (3), re-enacted</sup> and the following substituted therefor:

- (3) Upon the application for registration of a corporation, <sup>Registry on terms</sup> other than a provincial corporation, the Registrar may recommend to the Minister that the corporation be admitted to registry on terms and conditions and the Minister, if he so approves, may direct that the corporation be admitted to registry on such terms and conditions as he may prescribe, including a deposit of approved securities with him to such amount as he considers necessary from time to time and, so long as such conditions are satisfied and no final judgment against the corporation or order for its winding up or for distribution of its assets is given to the Minister, the corporation is entitled to receive the interest upon the securities forming the deposit.

**17.** Subsection 2 of section 146 of the said Act is repealed <sup>s. 146 (2), re-enacted</sup> and the following substituted therefor:

- (2) Any setting up or exhibiting of a sign or inscription <sup>Certain matters be deemed undertaking business</sup> containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf, or the advancing of funds of others in the purchase or lending on the security of mortgages that are assigned or registered in the name of the corporation, shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section.



s. 150 (1) (l),  
re-enacted

**18.** Clause *l* of subsection 1 of section 150 of the said Act is repealed and the following substituted therefor:

preferred  
shares

(l) the preferred shares of a company if,

(i) the company has paid a dividend in each of the five years preceding the date of investment at least equal to the specified annual rate upon all its preferred shares, or

(ii) the common shares of the company are, at the date of investment, authorized as investments by clause *m*.

s. 157 (1),  
amended

**19.** Subsection 1 of section 157 of the said Act is amended by adding thereto the following clause:

(c) make any investment in common shares the effect of which will be that the corporation will hold in the aggregate common shares carried on its books at more than 25 per cent of the book value of the total assets of the corporation if a loan corporation, or more than 25 per cent of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits if a trust company.

s. 159 (2),  
repealed

**20.** Subsection 2 of section 159 of the said Act is repealed.

s. 163,  
amended

**21.** Section 163 of the said Act is amended by adding thereto the following subsection:

Exception

(8) Notwithstanding the provisions of this section, a corporation is not prohibited from making a *bona fide* mortgage loan on the security of a residence of one of its officers who is not a director, where the loan is authorized by the directors of the corporation.

s. 168 (3),  
re-enacted

**22.—**(1) Subsection 3 of section 168 of the said Act is repealed and the following substituted therefor:

Report of  
auditor on  
annual  
statement

(3) The statement referred to in subsection 1 shall have attached the report of the auditor, which shall be in the form and content required by section 74.

s. 168 (8),  
re-enacted

(2) Subsection 8 of the said section 168 is repealed and the following substituted therefor:

Filing of  
financial  
statements

(8) Every registered corporation shall file with the Registrar a certified copy of any financial statement



SECTION 18. The amendment clarifies the qualification of preferred shares as authorized investments for registered loan and trust corporations.

SECTION 19. The amendment imposes an additional restriction with respect to the investment by loan and trust corporations in common shares.

SECTION 20. The provision repealed limits the time for holding real estate acquired under a mortgage foreclosure.

SECTION 21. The amendment permits a corporation to make a loan to an employee on his residence without offending the prohibited investment provisions of the Act.

SECTION 22.—Subsection 1. The requirement of the auditor's report on the annual statement to the Registrar is made uniform with the requirement of the auditor's report for the report to shareholders.

Subsection 2. The amendment requires corporations to file with the Registrar a certified copy of any financial statement furnished to its shareholders.

SECTIONS 23 AND 24. The amendment leaves the fixing of fees to be done by regulation.

furnished to its shareholders within 31 days after distribution of the statement to its shareholders.

**23.** Subsections 1 and 2 of section 178 of the said Act are repealed and the following substituted therefor: s. 178 (1),  
re-enacted  
s. 178 (2),  
repealed

- (1) The Lieutenant Governor in Council may make regulations,
  - (a) requiring the payment of fees for letters patent of incorporation and supplementary letters patent and in respect of any function performed by the Registrar under this Act and prescribing the amounts thereof;
  - (b) prescribing the terms and conditions under which registered corporations may invest their funds in fully paid shares under sections 152 and 155.

**24.** Schedules A and B of the said Act are repealed. Scheds. A, B,  
repealed

**25.**—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 12 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

**26.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1972*. Short title

An Act to amend  
The Loan and Trust Corporations Act

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*1st Reading*

June 6th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

*Legislative Assembly*

**An Act to amend  
The Loan and Trust Corporations Act**

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER





BILL 158

1972

## An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, is amended by inserting after "company" in the seventh line "a credit union incorporated under *The Credit Unions Act*". s. 1 (h),  
amended
2. Subsection 3 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (3),  
re-enacted
  - (3) Sections 3 to 65, except sections 24, 26, 30 and 46, and sections 72 to 76, and sections 95, 98, 99, 100, 157, 158, 163, 165 apply only to provincial corporations. Idem
  - (4) Sections 66 to 71 apply only to registered corporations having their head office in Ontario. Idem
  - (5) Sections 127, 128, 138, 156, 157, 166, 167 and sections 170 to 172 and section 175 apply only to registered corporations. Idem
3. Clause *a* of subsection 1 of section 57 of the said Act is amended by striking out "statutory" in the second line and inserting in lieu thereof "written". s. 57 (1) (a),  
amended
4. Sections 58 and 59 of the said Act are repealed and the following substituted therefor: ss. 58, 59,  
re-enacted
  58. No transfers or issue of shares of a corporation shall be entered in the books maintained under section 66 until thirty days after notice thereof has been deposited with the Registrar, if, Report to  
the Registrar

- (a) the transfer or issue relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or
- (b) the directors have reason to believe that the transfer or issue would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.

Liability of  
directors

59. In determining, for the purposes of sections 54 to 58, whether a person is a resident or a non-resident, by whom a corporation is controlled or any other circumstances relevant to the performance of their duties under those sections, the directors of the corporation and any other person acting as proxy for a shareholder of the corporation may rely upon any statement made in any declarations made under section 57 or rely upon their own knowledge of the circumstances; and the directors and any such person are not liable in any action for anything done or admitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

s. 65,  
amended

5. Section 65 of the said Act is amended by adding thereto the following subsections:

Prohibition  
re purchase  
of common  
shares

(12) A corporation may purchase its own common shares if the purchase is made,

- (a) for the purpose of eliminating fractions of shares; or
- (b) for the purpose of collecting or compromising indebtedness to the corporation.

Not to  
redeem if  
insolvent

(13) A corporation shall not redeem or purchase its own preference shares if,

- (a) the corporation is insolvent or if the redemption or purchase would render the corporation insolvent; or
- (b) the effect of the redemption or purchase would reduce the corporation's unimpaired capital and reserve to an amount that would place the corporation in contravention of section 82 or 90.

- (14) The authorized and issued capital of the corporation is decreased when it redeems or purchases its own preference shares by the number and par value of the shares so purchased or redeemed and subsections 1 to 3 and 5 to 12 do not apply thereto. Decrease in capital by redemption

**6.** Section 74 of the said Act is amended by adding thereto the following subsection: s. 74, amended

- (7a) Where a corporation is a holding corporation and the financial statement to be presented to its shareholders is on a consolidated basis, the auditor in his report to the shareholders of the corporation shall state the additional amount, if any, that in his opinion is necessary to make full provision for, Statement on a consolidated basis

- (a) where there is only one subsidiary of the corporation, the corporation's proportion of any loss of its subsidiary since it acquired shares of the subsidiary;
- (b) where there is more than one such subsidiary, the corporation's proportion of the aggregate losses of its subsidiaries since it acquired shares of the subsidiaries that is in excess of its proportion of any undistributed profits of its subsidiaries since it acquired shares of the subsidiaries.

**7.** Section 76 of the said Act is amended by adding thereto the following subsection: s. 76, amended

- (6) This section does not apply to a loan corporation that does not accept money by way of deposit or issue debentures. Exemption

**8.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor: s. 78 (4), re-enacted

- (4) Subsection 1 applies to loan corporations registered on or after the 1st day of January, 1968 and subsection 1 of section 71 of *The Loan and Trust Corporations Act*, being chapter 222 of the Revised Statutes of Ontario, 1960, as re-enacted by subsection 1 of section 5 of *The Loan and Trust Corporations Amendment Act, 1966*, applies to loan corporations registered before the 1st day of January, 1968. Application of subsection 1 1966, c. 81

s. 80 (c),  
re-enacted

**9.** Clause *c* of section 80 of the said Act is repealed and the following substituted therefor:

(c) mature on such date.

s. 81 (1),  
amended

**10.** Subsection 1 of section 81 of the said Act is amended by inserting after "Every" in the first line "registered".

s. 87,  
amended

**11.** Section 87 of the said Act is amended by adding thereto the following subsection:

Borrowing  
by-law

(3) A provincial trust company shall not borrow money under subsection 2 unless it is authorized to do so by by-law and such by-law does not take effect unless it,

(a) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the trust company duly called to consider such by-law; or

(b) has been passed by the directors and confirmed at a general meeting of the shareholders of the trust company duly called to consider such by-law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

s. 89a,  
enacted

**12.** The said Act is amended by adding thereto the following section:

Deposit and  
investment  
by-law

**89a.** A provincial trust company shall not exercise any of the powers contained in sections 88 and 89 unless it is authorized to do so by by-law and such by-law does not take effect unless it,

(a) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the trust company duly called to consider such by-law; or

(b) has been passed by the directors and confirmed at a general meeting of the shareholders of the trust company duly called to consider such by-



law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

**13.** Section 91 of the said Act is amended by inserting after <sup>s. 91, amended</sup> “a” in the first line “provincial”.

**14.** Subsection 1 of section 93 of the said Act is amended <sup>s. 93 (1), amended</sup> by inserting after “Every” in the first line “registered”.

**15.** Subsection 5 of section 136 of the said Act is amended by <sup>s. 136 (5), amended</sup> inserting after “a” in the first line “provincial”.

**16.** Subsection 3 of section 137 of the said Act is repealed <sup>s. 137 (3), re-enacted</sup> and the following substituted therefor:

- (3) Upon the application for registration of a corporation, <sup>Registry on terms</sup> other than a provincial corporation, the Registrar may recommend to the Minister that the corporation be admitted to registry on terms and conditions and the Minister, if he so approves, may direct that the corporation be admitted to registry on such terms and conditions as he may prescribe, including a deposit of approved securities with him to such amount as he considers necessary from time to time and, so long as such conditions are satisfied and no final judgment against the corporation or order for its winding up or for distribution of its assets is given to the Minister, the corporation is entitled to receive the interest upon the securities forming the deposit.

**17.** Subsection 2 of section 146 of the said Act is repealed <sup>s. 146 (2), re-enacted</sup> and the following substituted therefor:

- (2) Any setting up or exhibiting of a sign or inscription <sup>Certain matters be deemed undertaking business</sup> containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf, or the advancing of funds of others in the purchase or lending on the security of mortgages that are assigned or registered in the name of the corporation, shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section.

s. 150 (1) (l),  
re-enacted

**18.** Clause *l* of subsection 1 of section 150 of the said Act is repealed and the following substituted therefor:

preferred  
shares

(*l*) the preferred shares of a company if,

(i) the company has paid a dividend in each of the five years preceding the date of investment at least equal to the specified annual rate upon all its preferred shares, or

(ii) the common shares of the company are, at the date of investment, authorized as investments by clause *m*.

s. 157 (1),  
amended

**19.** Subsection 1 of section 157 of the said Act is amended by adding thereto the following clause:

(*c*) make any investment in common shares the effect of which will be that the corporation will hold in the aggregate common shares carried on its books at more than 25 per cent of the book value of the total assets of the corporation if a loan corporation, or more than 25 per cent of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits if a trust company.

s. 159 (2),  
repealed

**20.** Subsection 2 of section 159 of the said Act is repealed.

s. 163,  
amended

**21.** Section 163 of the said Act is amended by adding thereto the following subsection:

Exception

(8) Notwithstanding the provisions of this section, a corporation is not prohibited from making a *bona fide* mortgage loan on the security of a residence of one of its officers who is not a director, where the loan is authorized by the directors of the corporation.

s. 168 (3),  
re-enacted

**22.—**(1) Subsection 3 of section 168 of the said Act is repealed and the following substituted therefor:

Report of  
auditor on  
annual  
statement

(3) The statement referred to in subsection 1 shall have attached the report of the auditor, which shall be in the form and content required by section 74.

s. 168 (8),  
re-enacted

(2) Subsection 8 of the said section 168 is repealed and the following substituted therefor:

Filing of  
financial  
statements

(8) Every registered corporation shall file with the Registrar a certified copy of any financial statement



furnished to its shareholders within 31 days after distribution of the statement to its shareholders.

**23.** Subsections 1 and 2 of section 178 of the said Act are repealed and the following substituted therefor: s. 178 (1),  
re-enacted  
s. 178 (2),  
repealed

(1) The Lieutenant Governor in Council may make regulations,

(a) requiring the payment of fees for letters patent of incorporation and supplementary letters patent and in respect of any function performed by the Registrar under this Act and prescribing the amounts thereof;

(b) prescribing the terms and conditions under which registered corporations may invest their funds in fully paid shares under sections 152 and 155.

**24.** Schedules A and B of the said Act are repealed.

Scheds. A, B,  
repealed

**25.**—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 12 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

**26.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1972*. Short title





*An Act to amend  
The Loan and Trust Corporations Act*

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*1st Reading*

June 6th, 1972

*2nd Reading*

June 28th, 1972

*3rd Reading*

June 29th, 1972

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THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## An Act respecting the Village of Point Edward

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Bill authorizes the Village of Point Edward and the Blue Water Bridge Authority to enter into an agreement respecting the payment of municipal and school taxes for the years 1971 to 1977 inclusive.



BILL 159

1972

## An Act respecting the Village of Point Edward

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Village of Point Edward and the Blue Water Bridge Authority are hereby authorized to enter into an agreement in the form set out in the Schedule and such agreement when duly executed shall be valid and binding upon the parties thereto, and the parties are hereby empowered to carry out and enforce their respective obligations and rights thereunder. Agreement  
authorized

2. During the term of the agreement, assessment of the real property referred to therein, including business assessment, shall be in accordance with the terms of the agreement notwithstanding the provisions of *The Assessment Act*. R.S.O. 1970,  
c. 32, not  
to apply

3. *The Village of Point Edward Act, 1970*, being chapter 67, is repealed. 1970 Act  
repealed

4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

5. This Act may be cited as *The Village of Point Edward Act, 1972*. Short title

## SCHEDULE

AGREEMENT made in triplicate this       day of       , 1972.

BETWEEN:

BLUE WATER BRIDGE AUTHORITY

hereinafter called "the Bridge Authority"

OF THE FIRST PART

— and —

THE CORPORATION OF THE VILLAGE OF POINT EDWARD

hereinafter called "the Corporation"

OF THE SECOND PART.

WHEREAS the Parties hereto desire to enter an arrangement for determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Village of Point Edward and business assessment in respect thereto for the years 1971, 1972, 1973, 1974, 1975, 1976 and 1977 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. In this agreement "real property" has the same meaning as is provided in section 1 (k) of *The Assessment Act*.

2. The Bridge Authority shall pay to the Corporation for all municipal taxes, including school taxes against the real property of the Bridge Authority now owned, leased, occupied or managed by it situated in the Village of Point Edward and for business assessment, and against the Bridge Authority itself for the years 1971 to 1977 inclusive, the following sums of money namely:

1971.....	\$50,000.00 plus local improvement rates
1972.....	\$51,000.00 plus local improvement rates
1973.....	\$52,000.00 plus local improvement rates
1974.....	\$53,000.00 plus local improvement rates
1975.....	\$54,000.00 plus local improvement rates
1976.....	\$55,000.00 plus local improvement rates
1977.....	\$56,000.00 plus local improvement rates

3. The assessment of the said real property acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Village of Point Edward, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1971 to 1977, be entered on the Assessment and Collector's Roll of the said Village of Point Edward in respect of the said years at no higher valuation than will produce the above mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates and it shall be the duty of the assessment commissioner from time to time during the said period to assess the same in accordance with the valuations hereby fixed and for no other or greater sum.

4. The said sums for the respective years set forth in paragraph 2 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 1st day of September.

5. In the event that any of the real property, presently owned by the Bridge Authority shall, during the currency of this agreement, be found to be liable for municipal taxes to any other municipal corporation in the Province of Ontario, then the taxes payable pursuant to this agreement shall be reduced by the amount of taxes actually paid to such other municipal corporation in each year and the Assessment and Collector's Roll of the Corporation shall be amended accordingly by the assessment commissioner.

6. This agreement shall be terminated prior to its term if and when the Province of Ontario passes legislation which makes the said property of the Bridge Authority within the Corporation liable to taxation under the provisions of *The Assessment Act* in the same manner as other international bridges of a like nature, provided that all money required to be paid hereunder by the Authority to the Corporation shall be paid for all of the years set forth in paragraph 2 hereof to and including the year immediately preceding the year of taxation under the provisions of *The Assessment Act*.

7. The making of this agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

8. All the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written.

SIGNED, SEALED, DELIVERED AND COUNTERSIGNED by the proper officers  
of the Parties hereto:

BLUE WATER BRIDGE AUTHORITY

Per:.....  
*President.*

.....  
*Secretary.*

THE CORPORATION OF THE VILLAGE OF  
POINT EDWARD

Per:.....  
*Reeve.*

.....  
*Clerk.*



An Act respecting  
the Village of Point Edward

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*1st Reading*

June 8th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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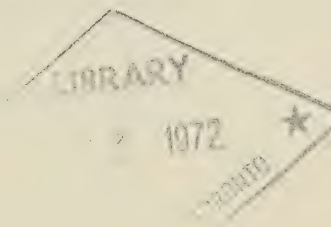


2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

*Legislative Assembly*

## An Act respecting the Village of Point Edward

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 159

1972

## An Act respecting the Village of Point Edward

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Village of Point Edward and the Blue Water Bridge Authority are hereby authorized to enter into an agreement in the form set out in the Schedule and such agreement when duly executed shall be valid and binding upon the parties thereto, and the parties are hereby empowered to carry out and enforce their respective obligations and rights thereunder. <sup>Agreement authorized</sup>

2. During the term of the agreement, assessment of the real property referred to therein, including business assessment, shall be in accordance with the terms of the agreement notwithstanding the provisions of *The Assessment Act*. <sup>R.S.O. 1970, c. 32, not to apply</sup>

3. *The Village of Point Edward Act, 1970*, being chapter 67, is repealed. <sup>1970 Act repealed</sup>

4. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

5. This Act may be cited as *The Village of Point Edward Act, 1972*. <sup>Short title</sup>

## SCHEDULE

AGREEMENT made in triplicate this      day of      , 1972.

BETWEEN:

BLUE WATER BRIDGE AUTHORITY

hereinafter called "the Bridge Authority"

OF THE FIRST PART

— and —

THE CORPORATION OF THE VILLAGE OF POINT EDWARD

hereinafter called "the Corporation"

OF THE SECOND PART.

WHEREAS the Parties hereto desire to enter an arrangement for determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Village of Point Edward and business assessment in respect thereto for the years 1971, 1972, 1973, 1974, 1975, 1976 and 1977 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. In this agreement "real property" has the same meaning as is provided in section 1 (k) of *The Assessment Act*.

2. The Bridge Authority shall pay to the Corporation for all municipal taxes, including school taxes against the real property of the Bridge Authority now owned, leased, occupied or managed by it situated in the Village of Point Edward and for business assessment, and against the Bridge Authority itself for the years 1971 to 1977 inclusive, the following sums of money namely:

1971.....	\$50,000.00 plus local improvement rates
1972.....	\$51,000.00 plus local improvement rates
1973.....	\$52,000.00 plus local improvement rates
1974.....	\$53,000.00 plus local improvement rates
1975.....	\$54,000.00 plus local improvement rates
1976.....	\$55,000.00 plus local improvement rates
1977.....	\$56,000.00 plus local improvement rates

3. The assessment of the said real property acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Village of Point Edward, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1971 to 1977, be entered on the Assessment and Collector's Roll of the said Village of Point Edward in respect of the said years at no higher valuation than will produce the above mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates and it shall be the duty of the assessment commissioner from time to time during the said period to assess the same in accordance with the valuations hereby fixed and for no other or greater sum.

4. The said sums for the respective years set forth in paragraph 2 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 1st day of September.

5. In the event that any of the real property, presently owned by the Bridge Authority shall, during the currency of this agreement, be found to be liable for municipal taxes to any other municipal corporation in the Province of Ontario, then the taxes payable pursuant to this agreement shall be reduced by the amount of taxes actually paid to such other municipal corporation in each year and the Assessment and Collector's Roll of the Corporation shall be amended accordingly by the assessment commissioner.

6. This agreement shall be terminated prior to its term if and when the Province of Ontario passes legislation which makes the said property of the Bridge Authority within the Corporation liable to taxation under the provisions of *The Assessment Act* in the same manner as other international bridges of a like nature, provided that all money required to be paid hereunder by the Authority to the Corporation shall be paid for all of the years set forth in paragraph 2 hereof to and including the year immediately preceding the year of taxation under the provisions of *The Assessment Act*.

7. The making of this agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

8. All the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written.

SIGNED, SEALED, DELIVERED AND COUNTERSIGNED by the proper officers  
of the Parties hereto:

BLUE WATER BRIDGE AUTHORITY

Per:.....  
*President.*

.....  
*Secretary.*

THE CORPORATION OF THE VILLAGE OF  
POINT EDWARD

Per:.....  
*Reeve.*

.....  
*Clerk.*





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An Act respecting  
the Village of Point Edward

---

*1st Reading*

June 8th, 1972

*2nd Reading*

June 22nd, 1972

*3rd Reading*

June 23rd, 1972

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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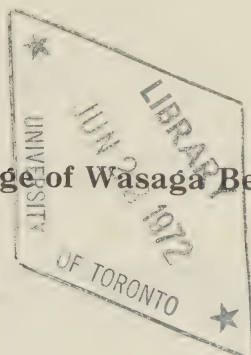
**BILL 160**

**Government Bill**

**Publication**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act respecting the Village of Wasaga Beach**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

Authority is provided for the establishing of a pedestrian mall on Main Street in the Village of Wasaga Beach between June 15th and September 15th in 1972.

BILL 160

1972

## An Act respecting the Village of Wasaga Beach

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the Village of Wasaga Beach may pass by-laws for establishing that part of Main Street in the Village between the south limit of Wasaga Avenue and the north limit of Moseley Street or any part or parts thereof solely or principally as a pedestrian promenade for such period or periods between the 15th day of June and the 15th day of September in the year 1972 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Main Street and the obstruction thereof by such persons and in such manner and to such extent as the council may consider desirable.

Pedestrian  
promenade,  
Main St.

**2.** Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from The Corporation of the Village of Wasaga Beach for loss of business or for loss of access to or from Main Street arising from the exercise by the council of its powers under this Act.

Right to  
damages by  
reason of  
creation of  
promenade

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Village of Wasaga Beach Act, 1972*.

Short title

An Act respecting  
the Village of Wasaga Beach

*1st Reading*

June 8th, 1972

*2nd Reading*

*3rd Reading*

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

*(Government Bill)*

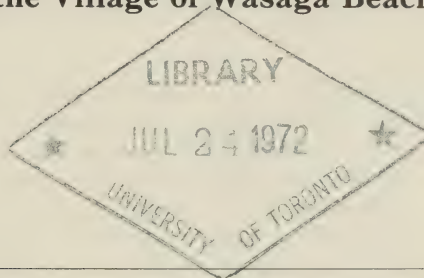


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**BILL 160**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act respecting the Village of Wasaga Beach**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs



BILL 160

1972

## An Act respecting the Village of Wasaga Beach

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the Village of Wasaga Beach may pass by-laws for establishing that part of Main Street in the Village between the south limit of Wasaga Avenue and the north limit of Moseley Street or any part or parts thereof solely or principally as a pedestrian promenade for such period or periods between the 15th day of June and the 15th day of September in the year 1972 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Main Street and the obstruction thereof by such persons and in such manner and to such extent as the council may consider desirable.

**2.** Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from The Corporation of the Village of Wasaga Beach for loss of business or for loss of access to or from Main Street arising from the exercise by the council of its powers under this Act.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Village of Wasaga Beach Act, 1972*.

An Act respecting  
the Village of Wasaga Beach

---

*1st Reading*

June 8th, 1972

*2nd Reading*

June 22nd, 1972

*3rd Reading*

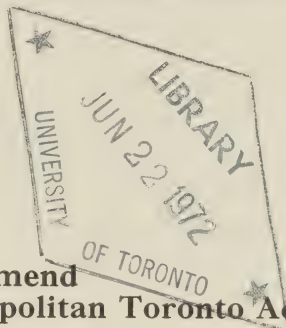
June 23rd, 1972

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972



**An Act to amend  
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and Intergovernmental Affairs

#### EXPLANATORY NOTES

SECTION 1. The amendments authorize the Metropolitan Corporation to acquire waste disposal sites anywhere in the Province subject to certain conditions. Local municipalities in the Province other than those within Metropolitan Toronto or within certain regional municipalities have this authority under *The Municipal Act*. Without this amendment the authority of the Metropolitan Council is confined to land within the Metropolitan Toronto Planning Area.

SECTION 2. Authority is provided for the Metropolitan Council to designate lanes on metropolitan roads for the principal or exclusive use of public transit vehicles.



BILL 161

1972

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 65 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out “within the Metropolitan Toronto Planning Area” in the second line and inserting in lieu thereof “in any local municipality or in territory without municipal organization”.

(2) Subsection 3 of the said section 65 is repealed and the following substituted therefor:

(3) No land shall be acquired in a local municipality under subsection 2 without the approval of the local municipality, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board, and no land shall be acquired in territory without municipal organization under subsection 2 without the approval of the Municipal Board.

(3) Subsection 4 of the said section 65 is amended by striking out “clause *b* of” in the second line and by adding at the end thereof “and the Municipal Board may order the amendment of any official plan or of any by-law passed under section 35 of *The Planning Act* to permit the use of the land for the purposes for which it is to be acquired”.

2. The said Act is amended by adding thereto the following section:

79a. The Metropolitan Council may by by-law designate any lane on a metropolitan road as solely or principally reserved for public transit motor vehicles

pally for use by public transit motor vehicles and prohibit the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section "public transit motor vehicle" means a motor vehicle owned and operated by the Toronto Transit Commission as part of its regular passenger transportation service.

s. 125 (2),  
amended

**3.** Subsection 2 of section 125 of the said Act is amended by striking out "three" in the second line and inserting in lieu thereof "two".

s. 146 (1),  
amended

**4.** Subsection 1 of section 146 of the said Act is amended by striking out "and" at the end of clause *c*, adding "and" at the end of clause *d* and by adding thereto the following clause:

(*e*) two persons appointed by the Metropolitan Council who shall be residents in the Metropolitan Area.

s. 209,  
amended

**5.** Section 209 of the said Act is amended by adding thereto the following subsection:

Exception

(5a) Notwithstanding subsection 5, the Society shall be deemed to be a local board of the Metropolitan Corporation for the purposes of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,  
c. 324

s. 216 (1),  
re-enacted

**6.** Subsection 1 of section 216 of the said Act is repealed and the following substituted therefor:

Reserve  
funds

(1) The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board or the Library Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 221,  
repealed

**7.** Section 221 of the said Act is repealed.

Pedestrian  
promenades,  
Yonge St.

**8.—(1)** The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Gerrard Street and the north limit of Adelaide Street solely or principally as a pedestrian promenade for such period or periods between

SECTION 3. The term of office of the members of the Metropolitan School Board appointed by the Metropolitan Separate School Board is reduced from three years to two years.

SECTION 4. Provision is made for two additional members for the Metropolitan Toronto Library Board to be appointed by the Metropolitan Council.

SECTION 5. The Metropolitan Toronto Zoological Society is deemed to be a local board of the Metropolitan Corporation for the purposes of *The Ontario Municipal Employees Retirement System Act*. This will enable participation in the omers system in respect of the Society's employees.

SECTION 6. The subsection is re-enacted to authorize the Metropolitan Toronto Library Board to provide in the estimates for the establishment or maintenance of a reserve fund.

SECTION 7. The provisions setting out the procedure in relation to hearings by the Ontario Municipal Board are repealed as those matters are adequately provided for in *The Ontario Municipal Board Act*.

SECTION 8. Authority is provided for the establishing of pedestrian malls on and adjacent to a designated portion of Yonge Street between June 28th and August 14th in 1972.



the 28th day of June and the 14th day of August in the year 1972 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

(2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square<sup>Idem, Trinity Square, etc.</sup> and the parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Gerrard Street and the north limit of Adelaide Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 28th day of June and the 14th day of August in the year 1972 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable.

(3) The Corporation of the City of Toronto may contribute<sup>Contribution by City towards cost</sup> toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

(4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.<sup>Right to damages by reason of creation of promenade</sup>

**9.**—(1) This Act, except sections 3 and 4, comes into<sup>Commence-ment</sup> force on the day it receives Royal Assent.

(2) Sections 3 and 4 come into force on the 1st day of January, 1973.<sup>Idem</sup>

**10.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972* (No. 2).<sup>Short title</sup>

An Act to amend  
The Municipality of Metropolitan  
Toronto Act

---

*1st Reading*

June 8th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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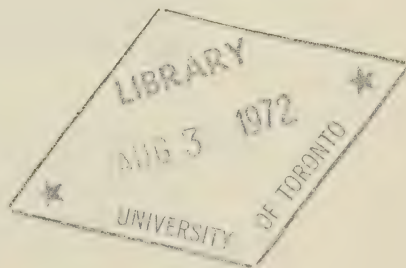
## BILL 161

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

*Legislative Assembly*

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 161

1972

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 65 of *The Municipality of* <sup>s. 65 (2),  
amended</sup> *Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out “within the Metropolitan Toronto Planning Area” in the second line and inserting in lieu thereof “in any local municipality or in territory without municipal organization”.

(2) Subsection 3 of the said section 65 is repealed and the <sup>s. 65 (3),  
re-enacted</sup> following substituted therefor:

(3) No land shall be acquired in a local municipality <sup>Approval re  
acquisition  
of land</sup> under subsection 2 without the approval of the local municipality, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board, and no land shall be acquired in territory without municipal organization under subsection 2 without the approval of the Municipal Board.

(3) Subsection 4 of the said section 65 is amended by <sup>s. 65 (4),  
amended</sup> striking out “clause *b* of” in the second line and by adding at the end thereof “and the Municipal Board may order the amendment of any official plan or of any by-law passed under section 35 of *The Planning Act* to permit the use of the land <sup>R.S.O. 1970,  
c. 349</sup> for the purposes for which it is to be acquired”.

2. The said Act is amended by adding thereto the following <sup>s. 79a,  
enacted</sup> section:

79a. The Metropolitan Council may by by-law designate <sup>Reserved  
lanes for  
public transit  
motor  
vehicles</sup> any lane on a metropolitan road as solely or princi-

pally for use by public transit motor vehicles and prohibit the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section "public transit motor vehicle" means a motor vehicle owned and operated by the Toronto Transit Commission as part of its regular passenger transportation service.

s. 125 (2),  
amended

**3.** Subsection 2 of section 125 of the said Act is amended by striking out "three" in the second line and inserting in lieu thereof "two".

s. 146 (1),  
amended

**4.** Subsection 1 of section 146 of the said Act is amended by striking out "and" at the end of clause *c*, adding "and" at the end of clause *d* and by adding thereto the following clause:

(*e*) two persons appointed by the Metropolitan Council who shall be residents in the Metropolitan Area.

s. 209,  
amended

**5.** Section 209 of the said Act is amended by adding thereto the following subsection:

Exception

(5a) Notwithstanding subsection 5, the Society shall be deemed to be a local board of the Metropolitan Corporation for the purposes of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,  
c. 324

s. 216 (1),  
re-enacted

**6.** Subsection 1 of section 216 of the said Act is repealed and the following substituted therefor:

Reserve  
funds

(1) The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board or the Library Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 221,  
repealed

**7.** Section 221 of the said Act is repealed.

Pedestrian  
promenades,  
Yonge St.

**8.—(1)** The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Gerrard Street and the north limit of Adelaide Street solely or principally as a pedestrian promenade for such period or periods between

the 28th day of June and the 14th day of August in the year 1972 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

(2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Gerrard Street and the north limit of Adelaide Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 28th day of June and the 14th day of August in the year 1972 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable.

Idem,  
Trinity  
Square, etc.

(3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

Contribution  
by City  
towards  
cost

(4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.

Right to  
damages by  
reason of  
creation of  
promenade

**9.**—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Sections 3 and 4 come into force on the 1st day of January, 1973.

Idem

**10.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972 (No. 2)*.

Short title







An Act to amend  
The Municipality of Metropolitan  
Toronto Act

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*1st Reading*

June 8th, 1972

*2nd Reading*

June 22nd, 1972

*3rd Reading*

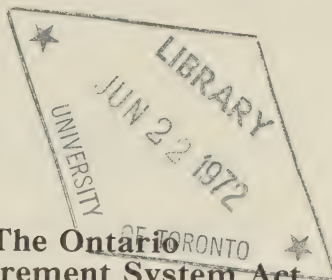
June 23rd, 1972

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972



**An Act to amend The Ontario  
Municipal Employees Retirement System Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment of the definition section, along with the following amendments in the Bill, is to provide for the participation by municipal councillors in OMERS, and to permit benefits to be provided to common-law spouses.

BILL 162

1972

## An Act to amend The Ontario Municipal Employees Retirement System Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1,  
re-enacted

1. In this Act,

Interpre-  
tation

- (a) “approved pension plan” means a pension plan that has been established by a municipality or local board under any general or special Act;
- (b) “benefit” means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;
- (c) “Board” means the Ontario Municipal Employees Retirement Board;
- (d) “councillor” means a person who is a member of a council of a municipality;
- (e) “earnings”, in the case of an employee who is a member, means the salary or wages paid to him by an employer including the value of any perquisites received from an employer and, in the case of a councillor who is a member, means any moneys paid to him for his services as a councillor under *The Municipal Act* or R.S.O. 1970,  
c. 284 under any Act establishing a metropolitan, regional or district municipality;

R.S.O. 1970,  
cc. 455, 387

(f) "employee" means any person who is employed by an employer, but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act* or *The Public Service Superannuation Act*;

(g) "employer" means a municipality or local board, or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act;

(h) "Fund" means the Ontario Municipal Employees Retirement Fund;

R.S.O. 1970,  
c. 118

(i) "local board" means a local board as defined in *The Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board;

(j) "member" means a person who has become a member of the System;

(k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(l) "municipality" includes a metropolitan, regional and district municipality;

(m) "pension" means an amount that is payable at periodic intervals in accordance with the regulations;

(n) "prior service" means the service of an employee or councillor before the date upon which this Act and the regulations become applicable to the employer;

(o) "regulations" means the regulations made under this Act;

(p) "service" means service rendered to an employer by an employee or councillor, as the case may be, for which earnings are received;





SECTION 2. The section added provides for establishing the time of common-law unions for the purposes of the Act.

- (q) "supplementary benefit" means a benefit in addition to the benefit to which a member or the widow, widower, child, beneficiary or estate of the member is entitled by reason of his membership in the System;
- (r) "System" means the Ontario Municipal Employees Retirement System;
- (s) "widow" or "widower" includes a woman or a man who,
  - (i) establishes to the satisfaction of the Board that she or he had, for a period of not less than seven years immediately prior to the death of a member with whom she or he had been residing and with whom by law, she or he was prohibited from marrying by reason of a previous marriage either of the member or of herself or himself to another person, been maintained and publicly represented by the member as her husband or his wife, or
  - (ii) establishes to the satisfaction of the Board that she or he had, for a number of years immediately prior to the death of a member with whom she or he had been residing, been maintained and publicly represented by the member as her husband or his wife, and that at the time of the death of the member, neither she or he nor the member was married to any other person.

2. The said Act is amended by adding thereto the <sup>s. 1a, enacted</sup> following section:

- 1a. For the purposes of this Act, a woman or a man <sup>When common-law wife deemed married to member</sup> who has established to the satisfaction of the Board that she or he is a widow or widower under sub-clause i or ii of clause s of section 1 shall, if the Board so directs, be deemed to have become married to the member at such time as she or he commenced being represented by him or her as his wife or husband and a woman or man who could establish that she or he is a widow or widower under

subclause i or ii of clause s of section 1 but for her or his marriage to a member after such time as she or he commenced being represented by him or her as his wife or her husband shall, if the Board so directs, be deemed to have become married to the member at the time when, in fact, she or he commenced being so represented.

s. 4 (1),  
amended

**3.** Subsection 1 of section 4 of the said Act is amended by inserting after "widows" in the third line "widowers".

s. 13 (f),  
amended

**4.**—(1) Clause *f* of section 13 of the said Act is amended by inserting after "employees" in the second line "and councillors".

s. 13 (h) (iii),  
re-enacted

(2) Subclause iii of clause *h* of the said section 13 is repealed and the following substituted therefor:

(iii) a pension to the widow, widower or children.

s. 13,  
amended

(3) The said section 13 is amended by adding thereto the following clause:

(*ka*) prescribing the terms and conditions upon which pensions and increases in pensions for retired employees, their widows, widowers and children may be provided.

s. 13 (*m*),  
amended

(4) Clause *m* of the said section 13 is amended by striking out "employees" in the third line and inserting in lieu thereof "members".

s. 13,  
amended

(5) The said section 13 is further amended by adding thereto the following clause:

(*ma*) prescribing the terms and conditions upon which members may accumulate pension benefits while absent from duty.

s. 14 (1),  
amended

**5.**—(1) Subsection 1 of section 14 of the said Act is amended by striking out "employee" in the third line and inserting in lieu thereof "member".

s. 14,  
amended

(2) The said section 14 is amended by adding thereto the following subsection:

Participation  
in System

(1a) Participation in the System by a municipality may be in respect of both councillors and employees or in respect of either of them.

SECTION 3. Complementary to subsection 2 of section 4 of the Bill.

SECTION 4.—Subsection 1. Municipal councillors are included in the categories of persons in respect of whom regulations under the Act may provide for participation in Ontario Municipal Employees Retirement System.

Subsection 2. It is made clear that widowers are eligible for pensions as well as widows and children.

Subsection 3. The added clause prescribes additional regulation-making authority of the Lieutenant Governor in Council.

Subsection 4. Complementary to the preceding amendments in the Bill providing for the participation of municipal councillors in Ontario Municipal Employees Retirement System.

Subsection 5. See note to subsection 3 of section 4 of the Bill.

SECTION 5. Subsection 1. See note to subsection 4 of section 4 of the Bill.

Subsection 2. Self-explanatory.





**6.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.  
<sup>ment</sup>

**7.** This Act may be cited as *The Ontario Municipal* <sup>Short title</sup>  
*Employees Retirement System Amendment Act, 1972.*

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An Act to amend  
The Ontario Municipal Employees  
Retirement System Act

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*1st Reading*

June 8th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

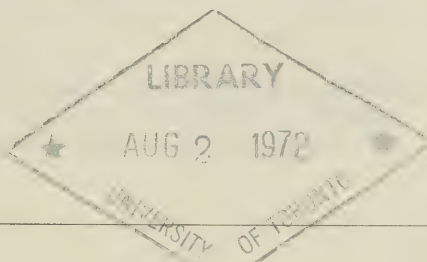
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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Ontario  
Municipal Employees Retirement System Act**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 162

1972

## An Act to amend The Ontario Municipal Employees Retirement System Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "approved pension plan" means a pension plan that has been established by a municipality or local board under any general or special Act;
- (b) "benefit" means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;
- (c) "Board" means the Ontario Municipal Employees Retirement Board;
- (d) "councillor" means a person who is a member of a council of a municipality;
- (e) "earnings", in the case of an employee who is a member, means the salary or wages paid to him by an employer including the value of any perquisites received from an employer and, in the case of a councillor who is a member, means any moneys paid to him for his services as a councillor under *The Municipal Act* or under any Act establishing a metropolitan, regional or district municipality;

R.S.O. 1970,  
c. 284

R.S.O. 1970,  
cc. 455, 387

(f) "employee" means any person who is employed by an employer, but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act* or *The Public Service Superannuation Act*;

(g) "employer" means a municipality or local board, or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act;

(h) "Fund" means the Ontario Municipal Employees Retirement Fund;

R.S.O. 1970,  
c. 118

(i) "local board" means a local board as defined in *The Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board;

(j) "member" means a person who has become a member of the System;

(k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(l) "municipality" includes a metropolitan, regional and district municipality;

(m) "pension" means an amount that is payable at periodic intervals in accordance with the regulations;

(n) "prior service" means the service of an employee or councillor before the date upon which this Act and the regulations become applicable to the employer;

(o) "regulations" means the regulations made under this Act;

(p) "service" means service rendered to an employer by an employee or councillor, as the case may be, for which earnings are received;



- (g) "supplementary benefit" means a benefit in addition to the benefit to which a member or the widow, widower, child, beneficiary or estate of the member is entitled by reason of his membership in the System;
- (r) "System" means the Ontario Municipal Employees Retirement System;
- (s) "widow" or "widower" includes a woman or a man who,
  - (i) establishes to the satisfaction of the Board that she or he had, for a period of not less than seven years immediately prior to the death of a member with whom she or he had been residing and with whom by law, she or he was prohibited from marrying by reason of a previous marriage either of the member or of herself or himself to another person, been maintained and publicly represented by the member as her husband or his wife, or
  - (ii) establishes to the satisfaction of the Board that she or he had, for a number of years immediately prior to the death of a member with whom she or he had been residing, been maintained and publicly represented by the member as her husband or his wife, and that at the time of the death of the member, neither she or he nor the member was married to any other person.

**2.** The said Act is amended by adding thereto the <sup>s. 1a, enacted</sup> following section:

- 1a. For the purposes of this Act, a woman or a man who has established to the satisfaction of the Board that she or he is a widow or widower under sub-clause i or ii of clause s of section 1 shall, if the Board so directs, be deemed to have become married to the member at such time as she or he commenced being represented by him or her as his wife or husband and a woman or man who could establish that she or he is a widow or widower under
- When  
common-law  
wife deemed  
married to  
member

subclause i or ii of clause *s* of section 1 but for her or his marriage to a member after such time as she or he commenced being represented by him or her as his wife or her husband shall, if the Board so directs, be deemed to have become married to the member at the time when, in fact, she or he commenced being so represented.

s. 4 (1),  
amended

**3.** Subsection 1 of section 4 of the said Act is amended by inserting after “widows” in the third line “widowers”.

s. 13 (*f*),  
amended

**4.**—(1) Clause *f* of section 13 of the said Act is amended by inserting after “employees” in the second line “and councillors”.

s. 13 (*h*) (iii),  
re-enacted

(2) Subclause iii of clause *h* of the said section 13 is repealed and the following substituted therefor:

(iii) a pension to the widow, widower or children.

s. 13,  
amended

(3) The said section 13 is amended by adding thereto the following clause:

(*ka*) prescribing the terms and conditions upon which pensions and increases in pensions for retired employees, their widows, widowers and children may be provided.

s. 13 (*m*),  
amended

(4) Clause *m* of the said section 13 is amended by striking out “employees” in the third line and inserting in lieu thereof “members”.

s. 13,  
amended

(5) The said section 13 is further amended by adding thereto the following clause:

(*ma*) prescribing the terms and conditions upon which members may accumulate pension benefits while absent from duty.

s. 14 (1),  
amended

**5.**—(1) Subsection 1 of section 14 of the said Act is amended by striking out “employee” in the third line and inserting in lieu thereof “member”.

s. 14,  
amended

(2) The said section 14 is amended by adding thereto the following subsection:

Participation  
in System

(1*a*) Participation in the System by a municipality may be in respect of both councillors and employees or in respect of either of them.

**6.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**7.** This Act may be cited as *The Ontario Municipal* <sup>Short title</sup>  
*Employees Retirement System Amendment Act, 1972.*

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An Act to amend  
The Ontario Municipal Employees  
Retirement System Act

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*1st Reading*

June 8th, 1972

*2nd Reading*

June 22nd, 1972

*3rd Reading*

June 29th, 1972

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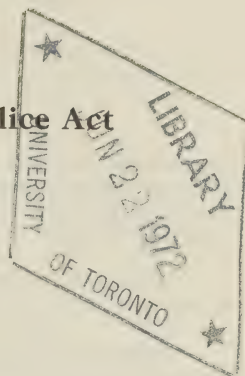
THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

Government  
Publication

**An Act to amend The Police Act**



THE HON. J. YAREMKO  
Solicitor General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTIONS 1, 2 AND 3. The amendments permit the commencement of bargaining ninety days before the expiration of the agreement and require bargaining to begin within fifteen days of the request instead of sixty days as at present.

The amendments also provide for conciliation services and for a council or board of police commissioners to bargain through delegated members.

All arbitrations are to be conducted by one arbitrator designated by the Solicitor General instead of three as at present.



## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 97, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Arbitration Commission" means the Ontario Police Arbitration Commission established under section 39.

2. Sections 29 and 30, sections 31 and 32, as amended by ss. 29-34, re-enacted; the Statutes of Ontario, 1972, chapter 1, section 97, sections s. 35, repealed 33 and 34, and section 35 as amended by the Statutes of Ontario, 1972, chapter 1, section 97, of the said Act are repealed and the following substituted therefor:

29.—(1) A majority of the members of the police force may, where no agreement exists or at any time after ninety days before an agreement would expire but for section 36, give notice in writing to the council of the municipality, or, where there is a board, the board, of its desire to bargain with a view to making an agreement or to the renewal, with or without modifications of the agreement then in operation or to the making of a new agreement.

(2) Where notice has been given under subsection 1, the council of the municipality, or, where there is a board, the board, shall meet with a bargaining committee of the members of the police force within fifteen days from the giving of the notice or within such further period as the parties agree upon and the parties shall bargain in good faith and make every reasonable effort to come to an agreement for the purpose of making an agreement in writing defining, determining and providing for remuneration, pen-

sions, sick leave credit gratuities, grievance procedures or working conditions of the members of the police force, other than the chief of police and any deputy chief of police, except such working conditions as are governed by a regulation made by the Lieutenant Governor in Council under this Act.

Association

- (3) Where not less than 50 per cent of the members of the police force belong to an association, any notice under subsection 1 shall be given by the association.

Affiliated  
body

- (4) In every case under this section, the members of a bargaining committee shall be members of the police force, but, where,

(a) the association is affiliated with a police organization; or

(b) not less than 50 per cent of the members of the police force belong to a police organization,

at all meetings of the parties held for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only.

Counsel

- (5) In addition to the person mentioned in subsection 4, a bargaining committee may be accompanied by one legal counsel and one other adviser and the council or the board, as the case may be, or bargaining committee thereof, may be accompanied by one legal counsel and one other adviser.

Bargaining  
by council  
or board

- (6) The council or, where there is a board, the board may designate one or more of its members as a bargaining committee to bargain on its behalf.

Pension  
plans under  
R.S.O. 1970,  
c. 284

- (7) Where a notice under subsection 1 involves pensions under a pension plan established or to be established under *The Municipal Act*, the notice shall also be given to the Ministry of Treasury, Economics and Intergovernmental Affairs, which may determine the maximum pension benefits that may be included in any agreement or award with respect to such pension plan.

Senior  
officer  
defined

- 30.—(1) In this section, “senior officer” means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or

confidential capacity, but does not include a chief of police or deputy chief of police.

- (2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, sections 29, 31 and 32 apply to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association and the senior officers shall not be included as members of the police force for the purposes of bargaining, conciliation and arbitration. <sup>Separate bargaining by senior officers</sup>
- 31.—(1) Where notice has been given under subsection 1 of section 29, the Solicitor General, upon the request of either party, may appoint a conciliation officer. <sup>Conciliation officer</sup>
- (2) The conciliation officer shall confer with the parties and endeavour to effect an agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Solicitor General. <sup>Duties</sup>
- (3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Solicitor General upon the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended. <sup>Extension of time</sup>
- (4) Where the conciliation officer reports to the Solicitor General that the differences between the parties concerning the terms of an agreement have been settled or that an agreement cannot be reached, the Solicitor General shall forthwith by notice in writing inform the parties of the report. <sup>Report</sup>
- (5) Where the appointment of a conciliation officer has been requested under subsection 1, neither party shall give notice pursuant to section 32 requiring all matters in dispute to be referred to an arbitrator, until the Solicitor General has informed the parties of the report of the conciliation officer in accordance with subsection 4 or of his determination that a conciliation officer should not be appointed. <sup>No arbitration during conciliation</sup>
- 32.—(1) Where after bargaining under section 29, the council of the municipality or, where there is a board, the board, or the members of the police force, or, where there is a bargaining committee, the bargaining committee is satisfied that an agreement cannot be <sup>Arbitration</sup>

reached, it may by notice in writing to the Solicitor General and to the other party require all matters in dispute to be referred to an arbitrator designated by the Solicitor General.

Commence-  
ment and  
termination  
of  
arbitration  
proceedings

- (2) The arbitrator shall commence the arbitration proceedings within thirty days after he is designated and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

Representa-  
tions by  
councils

- (3) Where a board or a bargaining committee of the board is a party to proceedings before an arbitrator, the council may, when authorized by resolution thereof, make or have made on its behalf representations before the arbitrator.

Costs

- (4) The Arbitration Commission shall pay the fees of the arbitrator and each party to the arbitration shall bear its own costs incurred in the proceedings except for those costs and expenses of the arbitration for matters shared in common, which shall be borne equally by the parties.

Application  
of R.S.O. 1970,  
c. 25

- (5) *The Arbitrations Act* does not apply to an arbitration under this section.

Deter-  
mination of  
disputes

33.—(1) Where,

- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 29, 30 or 31, or of a decision or award of an arbitrator made under section 32; or
- (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party and the Solicitor General in writing of its desire to submit the difference or allegation to an arbitrator and the Solicitor General shall designate an arbitrator who shall commence to hear and determine the difference within thirty days after his designation and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.



SECTION 4. The Ontario Police Arbitration Commission is established to provide a full-time arbitrator and maintain a register of part-time arbitrators and lend administrative and technical assistance to arbitrators. All agreements and awards are required to be filed with the Commission.



- (2) Each party to an arbitration under subsection 1 shall <sup>Costs</sup> share equally the cost of the arbitration proceedings and the cost of the arbitrator.
- (3) The arbitrator may, and, at the request of either of <sup>Enforcement</sup> the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.
34. Any period mentioned in section 29, 31, 32 or 33 may <sup>Extension of period mentioned in ss. 29, 31-33</sup> be extended by agreement of the parties.

**3.** Subsection 1 of section 36 of the said Act is repealed and <sup>s. 36 (1), re-enacted</sup> the following substituted therefor:

- (1) Every agreement made under section 29 or 30 and <sup>Agreements and awards binding</sup> every decision or award of an arbitrator is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police.

**4.** Section 39 of the said Act is repealed and the following <sup>s. 39, re-enacted; ss. 39a, 39b, enacted</sup> substituted therefor:

- 39.—(1) There shall be a commission to be known as the <sup>Ontario Police Arbitration Commission established</sup> Ontario Police Arbitration Commission consisting of five members appointed by the Lieutenant Governor in Council, of whom one shall be designated as chairman to hold office during the pleasure of the Lieutenant Governor in Council.
- (2) Two members of the Arbitration Commission, other <sup>Composition</sup> than the chairman, shall be representative of police governing bodies and two members, other than the chairman, shall be representative of members of police forces.
- (3) The first appointments of representatives of police <sup>Term of appointments</sup> governing bodies and members of police forces shall be for terms of one and two years in each case and thereafter for terms of two years, and representatives are eligible for reappointment.

Full-time arbitrator	(4) There shall be a full-time arbitrator on the staff of the Arbitration Commission who shall be appointed by the Solicitor General upon the recommendation of the Arbitration Commission.
Staff	(5) Such other officers and employees as are considered necessary shall be appointed to the staff of the Arbitration Commission under <i>The Public Service Act</i> .
R.S.O. 1970, c. 386	
Duties and functions of Arbitration Commission	(6) The duties and functions of the Arbitration Commission are to, <ul style="list-style-type: none"> <li>(a) maintain a register of arbitrators available for designation by the Solicitor General under this Act;</li> <li>(b) assist arbitrators by making the administrative arrangements required for the conduct of arbitrations;</li> <li>(c) sponsor the publication and distribution of information in respect of arbitration processes and awards;</li> <li>(d) sponsor research in respect of arbitration processes and awards;</li> <li>(e) fix the fees of arbitrators for the purposes of section 33 and determine the amount that shall be deemed to be the fees of the full-time arbitrator on the staff of the Arbitration Commission where he acts under the said section, which amount shall be paid to the Arbitration Commission.</li> </ul>
Filing agreements	39a.—(1) Where a council or board enters into an agreement in respect of matters referred to in subsection 2 of section 29, the council or board shall file a copy of the agreement with the Arbitration Commission.
Filing awards	(2) An arbitrator who makes an award or decision under section 32 or 33 shall file a copy of the award with the Arbitration Commission.
Regulations	39b. Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations, <ul style="list-style-type: none"> <li>(a) governing the conduct of arbitration proceedings and prescribing procedures therefor;</li> </ul>

(b) prescribing forms and providing for their use.

**5.** This Act does not apply in respect of bargaining in <sup>Application of Act</sup> respect of which notice has been given before this Act comes into force, or in respect of arbitration resulting therefrom.

**6.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation.  
ment

**7.** This Act may be cited as *The Police Amendment Act, 1972*. <sup>Short title</sup>

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An Act to amend  
The Police Act

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*1st Reading*

June 8th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. J. YAREMKO  
Solicitor General

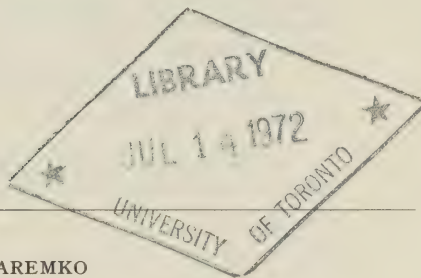
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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Police Act**



THE HON. J. YAREMKO  
Solicitor General

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTIONS 1, 2 AND 3. The amendments permit the commencement of bargaining ninety days before the expiration of the agreement and require bargaining to begin within fifteen days of the request instead of sixty days as at present.

The amendments also provide for conciliation services and for a council or board of police commissioners to bargain through delegated members.

All arbitrations are to be conducted by one arbitrator designated by the Solicitor General instead of three as at present.



## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 97, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Arbitration Commission" means the Ontario Police Arbitration Commission established under section 39.

2. Sections 29 and 30, sections 31 and 32, as amended by ss. 29-34, re-enacted; the Statutes of Ontario, 1972, chapter 1, section 97, sections s. 35, repealed 33 and 34, and section 35 as amended by the Statutes of Ontario, 1972, chapter 1, section 97, of the said Act are repealed and the following substituted therefor:

- 29.—(1) A majority of the members of the police force may, where no agreement exists or at any time after ninety days before an agreement would expire but for section 36, give notice in writing to the council of the municipality, or, where there is a board, the board, of its desire to bargain with a view to making an agreement or to the renewal, with or without modifications of the agreement then in operation or to the making of a new agreement. Notice of  
desire to  
bargain
- (2) Where notice has been given under subsection 1, the council of the municipality, or, where there is a board, the board, shall meet with a bargaining committee of the members of the police force within fifteen days from the giving of the notice or within such further period as the parties agree upon and the parties shall bargain in good faith and make every reasonable effort to come to an agreement for the purpose of making an agreement in writing defining, determining and providing for remuneration, pen- Bargaining

sions, sick leave credit gratuities, grievance procedures or working conditions of the members of the police force, other than the chief of police and any deputy chief of police, except such working conditions as are governed by a regulation made by the Lieutenant Governor in Council under this Act.

Association

- (3) Where not less than 50 per cent of the members of the police force belong to an association, any notice under subsection 1 shall be given by the association.

Affiliated  
body

- (4) In every case under this section, the members of a bargaining committee shall be members of the police force, but, where,

(a) the association is affiliated with a police organization; or

(b) not less than 50 per cent of the members of the police force belong to a police organization,

at all meetings of the parties held for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only.

Counsel

- (5) In addition to the person mentioned in subsection 4, a bargaining committee may be accompanied by one legal counsel and one other adviser and the council or the board, as the case may be, or bargaining committee thereof, may be accompanied by one legal counsel and one other adviser.

Bargaining  
by council  
or board

- (6) The council or, where there is a board, the board may designate one or more of its members as a bargaining committee to bargain on its behalf.

Pension  
plans under  
R.S.O. 1970,  
c. 284

- (7) Where a notice under subsection 1 involves pensions under a pension plan established or to be established under *The Municipal Act*, the notice shall also be given to the Ministry of Treasury, Economics and Intergovernmental Affairs, which may determine the maximum pension benefits that may be included in any agreement or award with respect to such pension plan.

Senior  
officer  
defined

- 30.—(1) In this section, “senior officer” means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or

confidential capacity, but does not include a chief of police or deputy chief of police.

- (2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, sections 29, 31 and 32 apply to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association and the senior officers shall not be included as members of the police force for the purposes of bargaining, conciliation and arbitration. <sup>Separate bargaining by senior officers</sup>
- 31.—(1) Where notice has been given under subsection 1 of section 29, the Solicitor General, upon the request of either party, may appoint a conciliation officer. <sup>Conciliation officer</sup>
- (2) The conciliation officer shall confer with the parties and endeavour to effect an agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Solicitor General. <sup>Duties</sup>
- (3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Solicitor General upon the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended. <sup>Extension of time</sup>
- (4) Where the conciliation officer reports to the Solicitor General that the differences between the parties concerning the terms of an agreement have been settled or that an agreement cannot be reached, the Solicitor General shall forthwith by notice in writing inform the parties of the report. <sup>Report</sup>
- (5) Where the appointment of a conciliation officer has been requested under subsection 1, neither party shall give notice pursuant to section 32 requiring all matters in dispute to be referred to an arbitrator, until the Solicitor General has informed the parties of the report of the conciliation officer in accordance with subsection 4 or of his determination that a conciliation officer should not be appointed. <sup>No arbitration during conciliation</sup>
- 32.—(1) Where after bargaining under section 29, the council of the municipality or, where there is a board, the board, or the members of the police force, or, where there is a bargaining committee, the bargaining committee is satisfied that an agreement cannot be <sup>Arbitration</sup>

reached, it may by notice in writing to the Solicitor General and to the other party require all matters in dispute to be referred to an arbitrator designated by the Solicitor General.

Commence-  
ment and  
termination  
of  
arbitration  
proceedings

- (2) The arbitrator shall commence the arbitration proceedings within thirty days after he is designated and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

Representa-  
tions by  
councils

- (3) Where a board or a bargaining committee of the board is a party to proceedings before an arbitrator, the council may, when authorized by resolution thereof, make or have made on its behalf representations before the arbitrator.

Costs

- (4) The Arbitration Commission shall pay the fees of the arbitrator and each party to the arbitration shall bear its own costs incurred in the proceedings except for those costs and expenses of the arbitration for matters shared in common, which shall be borne equally by the parties.

Application  
of R.S.O. 1970,  
c. 25

- (5) *The Arbitrations Act* does not apply to an arbitration under this section.

Deter-  
mination of  
disputes

33.—(1) Where,

- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 29, 30 or 31, or of a decision or award of an arbitrator made under section 32; or
- (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Solicitor General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.



- (2) Each party to an arbitration under subsection 1 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. <sup>Costs</sup>

- (3) The arbitrator may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such. <sup>Enforcement</sup>

34. Any period mentioned in section 29, 31, 32 or 33 may be extended by agreement of the parties. <sup>Extension of period mentioned in ss. 29, 31-33</sup>

**3.** Subsection 1 of section 36 of the said Act is repealed and the following substituted therefor: <sup>s. 36 (1), re-enacted</sup>

- (1) Every agreement made under section 29 or 30 and every decision or award of an arbitrator is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police. <sup>Agreements and awards binding</sup>

**4.** Section 39 of the said Act is repealed and the following substituted therefor: <sup>s. 39, re-enacted; ss. 39a, 39b, enacted</sup>

- 39.—(1) There shall be a commission to be known as the Ontario Police Arbitration Commission consisting of five members appointed by the Lieutenant Governor in Council, of whom one shall be designated as chairman to hold office during the pleasure of the Lieutenant Governor in Council. <sup>Ontario Police Arbitration Commission established</sup>

- (2) Two members of the Arbitration Commission, other than the chairman, shall be representative of police governing bodies and two members, other than the chairman, shall be representative of members of police forces. <sup>Composition</sup>

- (3) The first appointments of representatives of police governing bodies and members of police forces shall be for terms of one and two years in each case and thereafter for terms of two years, and representatives are eligible for reappointment. <sup>Term of appointments</sup>

- |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Full-time arbitrator                           | (4) There shall be a full-time arbitrator on the staff of the Arbitration Commission who shall be appointed by the Solicitor General upon the recommendation of the Arbitration Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Staff<br><br>R.S.O. 1970,<br>c. 386            | (5) Such other officers and employees as are considered necessary shall be appointed to the staff of the Arbitration Commission under <i>The Public Service Act</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Duties and functions of Arbitration Commission | <p>(6) The duties and functions of the Arbitration Commission are to,</p> <ul style="list-style-type: none"> <li>(a) maintain a register of arbitrators available for designation by the Solicitor General under this Act;</li> <li>(b) assist arbitrators by making the administrative arrangements required for the conduct of arbitrations;</li> <li>(c) sponsor the publication and distribution of information in respect of arbitration processes and awards;</li> <li>(d) sponsor research in respect of arbitration processes and awards;</li> <li>(e) fix the fees of arbitrators for the purposes of section 33 and determine the amount that shall be deemed to be the fees of the full-time arbitrator on the staff of the Arbitration Commission where he acts under the said section, which amount shall be paid to the Arbitration Commission.</li> </ul> |
| Filing agreements                              | 39a.—(1) Where a council or board enters into an agreement in respect of matters referred to in subsection 2 of section 29, the council or board shall file a copy of the agreement with the Arbitration Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Filing awards                                  | (2) An arbitrator who makes an award or decision under section 32 or 33 shall file a copy of the award with the Arbitration Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Regulations                                    | <p>39b. Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations,</p> <ul style="list-style-type: none"> <li>(a) governing the conduct of arbitration proceedings and prescribing procedures therefor;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



(b) prescribing forms and providing for their use.

**5.** This Act does not apply in respect of bargaining in <sup>Application of Act</sup> respect of which notice has been given before this Act comes into force, or in respect of arbitration resulting therefrom.

**6.** This Act comes into force on a day to be named by the <sup>Commencement</sup> Lieutenant Governor by his proclamation.

**7.** This Act may be cited as *The Police Amendment Act, 1972*. <sup>Short title</sup>





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An Act to amend  
The Police Act

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*1st Reading*

June 8th, 1972

*2nd Reading*

June 27th, 1972

*3rd Reading*

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THE HON. J. YAREMKO  
Solicitor General

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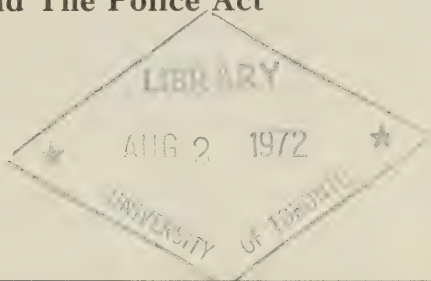
*(Reprinted as amended by the  
Committee of the Whole House)*

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## BILL 163

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## An Act to amend The Police Act



THE HON. J. YAREMKO  
Solicitor General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER





## An Act to amend The Police Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 97, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Arbitration Commission" means the Ontario Police Arbitration Commission established under section 39.

2. Sections 29 and 30, sections 31 and 32, as amended by the Statutes of Ontario, 1972, chapter 1, section 97, sections 33 and 34, and section 35 as amended by the Statutes of Ontario, 1972, chapter 1, section 97, of the said Act are repealed and the following substituted therefor:

29.—(1) A majority of the members of the police force may, where no agreement exists or at any time after ninety days before an agreement would expire but for section 36, give notice in writing to the council of the municipality, or, where there is a board, the board, of its desire to bargain with a view to making an agreement or to the renewal, with or without modifications of the agreement then in operation or to the making of a new agreement.

(2) Where notice has been given under subsection 1, the council of the municipality, or, where there is a board, the board, shall meet with a bargaining committee of the members of the police force within fifteen days from the giving of the notice or within such further period as the parties agree upon and the parties shall bargain in good faith and make every reasonable effort to come to an agreement for the purpose of making an agreement in writing defining, determining and providing for remuneration, pen-

sions, sick leave credit gratuities, grievance procedures or working conditions of the members of the police force, other than the chief of police and any deputy chief of police, except such working conditions as are governed by a regulation made by the Lieutenant Governor in Council under this Act.

Association

- (3) Where not less than 50 per cent of the members of the police force belong to an association, any notice under subsection 1 shall be given by the association.

Affiliated  
body

- (4) In every case under this section, the members of a bargaining committee shall be members of the police force, but, where,

(a) the association is affiliated with a police organization; or

(b) not less than 50 per cent of the members of the police force belong to a police organization,

at all meetings of the parties held for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only.

Counsel

- (5) In addition to the person mentioned in subsection 4, a bargaining committee may be accompanied by one legal counsel and one other adviser and the council or the board, as the case may be, or bargaining committee thereof, may be accompanied by one legal counsel and one other adviser.

Bargaining  
by council  
or board

- (6) The council or, where there is a board, the board may designate one or more of its members as a bargaining committee to bargain on its behalf.

Pension  
plans under  
R.S.O. 1970,  
c. 284

- (7) Where a notice under subsection 1 involves pensions under a pension plan established or to be established under *The Municipal Act*, the notice shall also be given to the Ministry of Treasury, Economics and Intergovernmental Affairs, which may determine the maximum pension benefits that may be included in any agreement or award with respect to such pension plan.

Senior  
officer  
defined

- 30.—(1) In this section, “senior officer” means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or

confidential capacity, but does not include a chief of police or deputy chief of police.

- (2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, sections 29, 31 and 32 apply to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association and the senior officers shall not be included as members of the police force for the purposes of bargaining, conciliation and arbitration. <sup>Separate bargaining by senior officers</sup>
- 31.—(1) Where notice has been given under subsection 1 of section 29, the Solicitor General, upon the request of either party, may appoint a conciliation officer. <sup>Conciliation officer</sup>
- (2) The conciliation officer shall confer with the parties and endeavour to effect an agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Solicitor General. <sup>Duties</sup>
- (3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Solicitor General upon the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended. <sup>Extension of time</sup>
- (4) Where the conciliation officer reports to the Solicitor General that the differences between the parties concerning the terms of an agreement have been settled or that an agreement cannot be reached, the Solicitor General shall forthwith by notice in writing inform the parties of the report. <sup>Report</sup>
- (5) Where the appointment of a conciliation officer has been requested under subsection 1, neither party shall give notice pursuant to section 32 requiring all matters in dispute to be referred to an arbitrator, until the Solicitor General has informed the parties of the report of the conciliation officer in accordance with subsection 4 or of his determination that a conciliation officer should not be appointed. <sup>No arbitration during conciliation</sup>
- 32.—(1) Where after bargaining under section 29, the council of the municipality or, where there is a board, the board, or the members of the police force, or, where there is a bargaining committee, the bargaining committee is satisfied that an agreement cannot be <sup>Arbitration</sup>

reached, it may by notice in writing to the Solicitor General and to the other party require all matters in dispute to be referred to an arbitrator designated by the Solicitor General.

Commence-  
ment and  
termination  
of  
arbitration  
proceedings

- (2) The arbitrator shall commence the arbitration proceedings within thirty days after he is designated and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

Representa-  
tions by  
councils

- (3) Where a board or a bargaining committee of the board is a party to proceedings before an arbitrator, the council may, when authorized by resolution thereof, make or have made on its behalf representations before the arbitrator.

Costs

- (4) The Arbitration Commission shall pay the fees of the arbitrator and each party to the arbitration shall bear its own costs incurred in the proceedings except for those costs and expenses of the arbitration for matters shared in common, which shall be borne equally by the parties.

Application  
of R.S.O. 1970,  
c. 25

- (5) *The Arbitrations Act* does not apply to an arbitration under this section.

Deter-  
mination of  
disputes

33.—(1) Where,

- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 29, 30 or 31, or of a decision or award of an arbitrator made under section 32; or
- (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Solicitor General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.



- (2) Each party to an arbitration under subsection 1 shall <sup>Costs</sup> share equally the cost of the arbitration proceedings and the cost of the arbitrator.

- (3) The arbitrator may, and, at the request of either of <sup>Enforcement</sup> the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

34. Any period mentioned in section 29, 31, 32 or 33 may <sup>Extension of period mentioned in ss. 29, 31-33</sup> be extended by agreement of the parties.

**3.** Subsection 1 of section 36 of the said Act is repealed and <sup>s. 36 (1), re-enacted</sup> the following substituted therefor:

- (1) Every agreement made under section 29 or 30 and <sup>Agreements and awards binding</sup> every decision or award of an arbitrator is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police.

**4.** Section 39 of the said Act is repealed and the following <sup>s. 39, re-enacted; ss. 39a, 39b, enacted</sup> substituted therefor:

- 39.—(1) There shall be a commission to be known as the <sup>Ontario Police</sup> Ontario Police Arbitration Commission consisting of <sup>Arbitration Commission established</sup> five members appointed by the Lieutenant Governor in Council, of whom one shall be designated as chairman to hold office during the pleasure of the Lieutenant Governor in Council.
- (2) Two members of the Arbitration Commission, other <sup>Composition</sup> than the chairman, shall be representative of police governing bodies and two members, other than the chairman, shall be representative of members of police forces.
- (3) The first appointments of representatives of police <sup>Term of appointments</sup> governing bodies and members of police forces shall be for terms of one and two years in each case and thereafter for terms of two years, and representatives are eligible for reappointment.

Full-time  
arbitrator

- (4) There shall be a full-time arbitrator on the staff of the Arbitration Commission who shall be appointed by the Solicitor General upon the recommendation of the Arbitration Commission.

Staff

- (5) Such other officers and employees as are considered necessary shall be appointed to the staff of the Arbitration Commission under *The Public Service Act*.

R.S.O. 1970,  
c. 386

Duties and  
functions of  
Arbitration  
Commission

- (6) The duties and functions of the Arbitration Commission are to,
- (a) maintain a register of arbitrators available for designation by the Solicitor General under this Act;
  - (b) assist arbitrators by making the administrative arrangements required for the conduct of arbitrations;
  - (c) sponsor the publication and distribution of information in respect of arbitration processes and awards;
  - (d) sponsor research in respect of arbitration processes and awards;
  - (e) fix the fees of arbitrators for the purposes of section 33 and determine the amount that shall be deemed to be the fees of the full-time arbitrator on the staff of the Arbitration Commission where he acts under the said section, which amount shall be paid to the Arbitration Commission.

Filing  
agreements

- 39a.—(1) Where a council or board enters into an agreement in respect of matters referred to in subsection 2 of section 29, the council or board shall file a copy of the agreement with the Arbitration Commission.

Filing  
awards

- (2) An arbitrator who makes an award or decision under section 32 or 33 shall file a copy of the award with the Arbitration Commission.

Regulations

- 39b. Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations,
- (a) governing the conduct of arbitration proceedings and prescribing procedures therefor;



(b) prescribing forms and providing for their use.

**5.** This Act does not apply in respect of bargaining in <sup>Application</sup><sub>of Act</sub> respect of which notice has been given before this Act comes into force, or in respect of arbitration resulting therefrom.

**6.** This Act comes into force on a day to be named by the <sup>Commence-</sup><sub>ment</sub> Lieutenant Governor by his proclamation.

**7.** This Act may be cited as *The Police Amendment Act, 1972*. <sup>Short title</sup>





An Act to amend  
The Police Act

*1st Reading*

June 8th, 1972

*2nd Reading*

June 27th, 1972

*3rd Reading*

June 29th, 1972

THE HON. J. YAREMKO  
Solicitor General

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to establish  
The Regional Municipality of Sudbury**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Bill provides for the formation of seven area municipalities by the amalgamation and annexation of fifteen local municipalities and portions of eighteen geographic townships in the District of Sudbury and for the incorporation of The Regional Municipality of Sudbury.

The Bill is divided into eleven Parts:

- PART I — Area municipalities
- PART II — Incorporation and Council of Regional Area
- PART III — Regional Waterworks
- PART IV — Regional Sewage Works
- PART V — Planning
- PART VI — Health and Welfare Services
- PART VII — Police
- PART VIII — Regional Road System
- PART IX — Regional Waste Disposal
- PART X — Finances
- PART XI — General



BILL 164

1972

## An Act to establish The Regional Municipality of Sudbury

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

**1.** In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the City of Sudbury, the Town of Capreol, the Town of Dowling, the Town of Neelon and Garson, the Town of Rayside-Balfour, the Town of Valley East and the Town of Waters, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1972 a local municipality and any geographic township or part thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area" means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means the Regional Municipality of Sudbury;
- (q) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part VIII;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1973,

Constitution  
of area  
municipalities

- (a) The Corporation of the Town of Capreol together with the geographic township of Hutton and the geographic township of Norman are amalgamated as a town municipality bearing the name of The Corporation of the Town of Capreol and the portion of the geographic township of Parkin, described as follows, is annexed to such town:

COMMENCING at the southwest angle of the geographic township of Parkin;

THENCE northerly along the west boundary of the Township of Parkin to the northwest corner of Lot 12 in Concession I of the said Township;

THENCE easterly along the north limit of Lot 12 to the northeast angle thereof;

THENCE southerly along the east limit of Lot 12 in Concession I in the said Township of Parkin to the south boundary of the said Township;

THENCE westerly along the south boundary of the Township of Parkin to the point of commencement;

- (b) The Corporation of the Town of Levack and The Corporation of the Improvement District of Onaping are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dowling and the portions of the Township of Dowling and the geographic township of Levack described as follows are annexed to such town:

FIRSTLY, part of the Township of Dowling, commencing at a point in the northwest angle of the Township of Dowling the said point being the southwest angle of the Improvement District of Onaping;

THENCE easterly along the north boundary of the said Township of Dowling to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Dowling to the southeast angle of Lot 1 in Concession IV of the geographic township of Fairbank;

THENCE westerly along the southerly limit of lots 1 to 12 both inclusive, in Concession IV of the geographic township of Fairbank to the west boundary of the Township of Dowling;

THENCE northerly along the west boundary of the Township of Dowling to the point of commencement;

SECONDLY, part of the geographic township of Levack, commencing at the northwest angle of the geographic township of Levack;

THENCE easterly along the north boundary of the said township to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Levack to the north boundary of the Improvement District of Onaping;

THENCE westerly along the north boundary of the said Improvement District of Onaping to the east boundary of the Town of Levack;

THENCE following the boundaries between the geographic township of Levack and the Town of Levack to the boundary of the Improvement District of Onaping;

THENCE westerly along the northerly boundary of the said Improvement District to the west boundary of the said geographic township of Levack;

THENCE northerly along the west boundary of the said township to the point of commencement;

- (c) The Corporation of the Town of Coniston, The Corporation of the Township of Falconbridge, The Corporation of the Township of Neelon and Garson and the geographic township of Maclellan are amalgamated as a town municipality bearing the name of The Corporation of the Town of Neelon and Garson and the portion of the geographic township of Dryden, described as follows, is annexed to such town:

COMMENCING at a point in the easterly boundary of the Township of Dryden where it is intersected by the limit between the north half and the south half of Lot 1 in Concession I of the said Township of Dryden;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8 and part of Lot 9 in Concession I of the Township of Dryden to the westerly limit of Secondary Highway Number 537;

THENCE northerly along the westerly limit of the said Secondary Highway to the south limit of Lot 9 in Concession II of the said Township of Dryden;

THENCE westerly along the south limit of part of Lot 9 and the south limits of lots 10, 11 and 12 in Concession II of the Township of Dryden to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Dryden to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Dryden to the northeast angle of the said Township;

THENCE southerly along the east boundary of the said Township of Dryden to the point of commencement;

- (d) The portions of the Township of Balfour and the geographic township of Snider, described as follows, are annexed to The Corporation of the Township of Rayside to establish a town municipality bearing the name of The Corporation of the Town of Rayside-Balfour:

FIRSTLY, part of the Township of Balfour, commencing at the northwest angle of the Township of Balfour;

THENCE easterly along the north boundary of the Township of Balfour being along the north boundary of the geographic township of Morgan to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Balfour to the southeast corner of Lot 1 in Concession IV in the geographic township of Creighton;



THENCE westerly along the south limit of lots 1 to 12, both inclusive, in Concession IV of the said Township of Creighton to the west boundary of the geographic township of Creighton, being also the west boundary of the Township of Balfour;

THENCE northerly along the west boundaries of the said Township of Balfour to the point of commencement;

SECONDLY, part of the geographic township of Snider, commencing at the northeast corner of Lot 1, in Concession IV of the said Township of Snider;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said Township of Snider to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Snider to the northwest corner of broken Lot 10 in Concession V of the said Township;

THENCE easterly in a straight line along the north limit of Concession V of the geographic township of Snider being along the south boundary of the Township of Rayside to the east boundary of the said geographic township;

THENCE southerly along the east boundary of the Township of Snider to the point of commencement;

- (e) The Corporation of the City of Sudbury and The Corporation of the Town of Copper Cliff are amalgamated as a city municipality bearing the name of The Corporation of the City of Sudbury and the portions of the geographic townships of Broder, Dill, Eden and Tilton, described as follows, are annexed to such city:

FIRSTLY, part of the geographic township of Broder, commencing at the southwest angle of the Township of Broder;

THENCE northerly along the west boundary of the Township of Broder to the northwest angle thereof;

THENCE easterly along the north boundary of the said Township to an angle of the City of Sudbury;



THENCE following the boundaries between the geographic township of Broder and the City of Sudbury to the north boundary of the said township;

THENCE easterly along the north boundary of the Township of Broder to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township to the southeast angle thereof;

THENCE westerly along the southern boundary of the said Township of Broder to the point of commencement;

SECONDLY, part of the geographic township of Dill, commencing at the southwest angle of the Township of Dill;

THENCE easterly along the south boundary of the Township of Dill to the southeast angle of Lot 7 in Concession I of the said Township;

THENCE northerly along the line between lots 6 and 7 in concessions I to VI, both inclusive, to the north boundary of the said Township of Dill;

THENCE westerly along the north boundary of the Township of Dill to the northwest angle thereof;

THENCE southerly along the west boundary of the said Township of Dill to the point of commencement;

THIRDLY, part of the geographic township of Eden, commencing at a point in the east boundary of the Township of Eden where it is intersected by the south limit of Farm Location F L 54 of the said Township of Eden;

THENCE westerly along the south limit of the said Farm Location F L 54 to the southwest angle of the said Farm Location;

THENCE northerly along the west limit of the said Farm Location to the northwest angle thereof;

THENCE easterly along the north limit of the said Farm Location F L 54 to the east limit of the said Farm Location being the east boundary of the Township of Eden;

THENCE southerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the geographic township of Tilton, commencing at a point in the west boundary of the Township of Tilton where it is intersected by the south limit of Lot 12 in Concession VI of the said Township;

THENCE northerly along the west boundary of the said Township of Tilton to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Tilton to the east limit of Lot 10 in Concession VI of the said Township;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said Township of Tilton to the point of commencement;

- (f) The portion of the geographic township of Lumsden, described as follows, is annexed to the Township of Valley East to establish a town municipality bearing the name of The Corporation of the Town of Valley East:

COMMENCING at the southwest angle of the geographic township of Lumsden;

THENCE north along the west boundary of the Township of Lumsden to the Vermilion River;

THENCE easterly along the Vermilion River, being along the boundary of the Township of Valley East, to the east boundary of the said Township of Lumsden;

THENCE southerly along the east boundary of the Township of Lumsden to the southeast angle of the said Township;

THENCE westerly along the south boundary of the geographic township of Lumsden to the point of commencement;

- (g) The Corporation of the Town of Lively, The Corporation of the United Townships of Drury, Denison

and Graham and The Corporation of the Township of Waters, together with the geographic townships of Dieppe, Lorne and Louise, are amalgamated as a town municipality bearing the name of The Corporation of the Town of Waters, and the portions of the Township of Balfour, the Township of Dowling and the geographic townships of Fairbank, Hyman, Snider and Trill, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Balfour, commencing at the southeast angle of the Township of Balfour, being also the southeast angle of the geographic township of Creighton;

THENCE northerly along the east boundary of the Township of Balfour to the northeast corner of Lot 1 in Concession III of the geographic township of Creighton;

THENCE westerly along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township of Creighton to the west boundary of the Township of Balfour;

THENCE southerly along the west boundary of the Township of Balfour to the southwest angle thereof;

THENCE easterly along the southern boundary of the Township of Balfour, being along the southern boundary of the said geographic township of Creighton to the point of commencement;

SECONDLY, part of the Township of Dowling, commencing at the southeast angle of the said Township of Dowling, being at the southeast angle of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE northerly along the east boundary of the said Township of Fairbank to the northeast angle of Lot 1 in Concession III of the Township of Fairbank;

THENCE westerly in a straight line along the northerly limit of lots 1 to 12, both inclusive, in Concession III of the Township of Fairbank to the west boundary of the said Township;

THENCE southerly along the west boundary of the geographic township of Fairbank, being along the

west boundary of the Township of Dowling to the southwest angle of the said Township of Dowling;

THENCE easterly along the south boundary of the Township of Dowling to the point of commencement;

THIRDLY, part of the geographic township of Fairbank, commencing at the southeast angle of the said Township of Fairbank;

THENCE northerly along the east boundary of the Township of Fairbank to the northeast corner of Lot 1 in Concession II of the said Township;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession II of the Township of Fairbank to the west boundary of the said Township;

THENCE southerly along the west boundary of the Township of Fairbank to the southwest angle thereof;

THENCE easterly along the southern boundary of the said Township of Fairbank to the point of commencement;

FOURTHLY, part of the geographic township of Hyman, commencing at the southeast angle of the said Township of Hyman;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession II of the said Township of Hyman;

THENCE westerly along the north limit of lots 1, 2 and 3 respectively, in Concession II to the northwest corner of Lot 3 in Concession II of the said Township of Hyman;

THENCE southerly following along the west limits of Lot 3 in concessions II and I to the southern boundary of the Township of Hyman;

THENCE easterly along the south boundary of the said Township of Hyman to the point of commencement;

FIFTHLY, part of the geographic township of Snider, commencing at the southwest angle of the said Township of Snider;

THENCE easterly along the south boundary of the said Township of Snider to the west boundary of the Town of Copper Cliff;

THENCE following the boundaries between the said Township of Snider and the Town of Copper Cliff to the east boundary of the said Township of Snider;

THENCE northerly along the east boundary of the geographic township of Snider to the northeast corner of Lot 1 in Concession IV of the said Township;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said geographic township of Snider to the west boundary of the said Township;

THENCE southerly along the west boundary of the said Township of Snider to the point of commencement;

SIXTHLY, part of the geographic township of Trill, commencing at the southeast angle of the said Township of Trill;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession III of the said Township of Trill;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township to the west boundary of the Township of Trill;

THENCE southerly along the boundary between the geographic townships of Trill and Totten to the southwest angle of the Township of Trill;

THENCE easterly along the south boundary of the said Township of Trill to the point of commencement.

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any

Amalgamations and annexations deemed by Municipal Board orders R.S.O. 1970, cc. 323, 284



local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum  
re names of  
area municipi-  
palities

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition  
of council

**3.**—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

- 1. The City of Sudbury—Nine aldermen elected by wards.
- 2. The Town of Capreol—Six councillors elected by wards.
- 3. The Town of Dowling—Six councillors one of whom shall be elected by general vote and five elected by wards.
- 4. The Town of Neelon and Garson—Six councillors, one of whom shall be elected by general vote and five elected by wards.
- 5. The Town of Rayside-Balfour—Eight councillors elected by general vote.



6. The Town of Valley East—Six councillors elected by general vote.

7. The Town of Waters—Six councillors elected by wards.

(2) With respect to the area municipalities, elections of <sup>Election and term of office</sup> the first councils thereof shall be held in the year 1972, and the day for polling shall be the 2nd day of October and the first councils elected shall hold office for the years 1973 and 1974.

(3) For the purposes of the elections of the first councils <sup>Idem</sup> of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

(4) Subsections 2 and 3 apply to the elections of the first <sup>Application</sup> councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality <sup>Organization committee</sup> elected in the year 1972 shall comprise a committee in their <sup>in 1972</sup> respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

(6) The expenses of the local municipalities for the <sup>Expenses of first elections</sup> elections to elect members of the councils of the area municipi-

palities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No board of control

(7) No area municipality shall have a board of control.

Subsequent elections

4. In every area municipality in the year 1974 and thereafter, elections for the members of council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in accordance with *The Municipal Elections Act, 1972*.

1972, c. ...

Commencement of Part

5. This Part comes into force on the day this Act receives Royal Assent.

## PART II

### INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional Corporation constituted

6.—(1) On the 16th day of October, 1972, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Sudbury".

Deemed municipality under R.S.O. 1970, cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional Municipality part of Provisional Judicial District of Sudbury

(3) The Regional Municipality of Sudbury for judicial purposes shall form part of the Provisional Judicial District of Sudbury.

Regional Council to exercise corporate powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers exercised by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be quashed as unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition of Regional Council

8.—(1) The Regional Council shall consist of twenty-one members composed of a chairman and,

(a) in the year 1972, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

- (b) the council of the City of Sudbury so long as the total number of aldermen does not exceed nine;
- (c) the member of council elected by general vote in the area municipality of the Town of Neelon and Garson;
- (d) one member of the council of the area municipality of the Town of Rayside-Balfour elected by the council;
- (e) one member of the council of the area municipality of the Town of Valley East elected by the council;
- (f) one member of the council of the area municipality of the Town of Waters elected by the council.

(2) In the year 1972, the committee established by sub-section 5 of section 3 for each area municipality that is required to elect a member or members to the Regional Council, shall meet on or before the 10th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974. Method of election of Regional Council in 1972

(3) In the year 1975 and in every second year thereafter the council of each area municipality, except the City of Sudbury, shall at its first meeting in each such year elect its members to the Regional Council. Biennial election of Regional Council

**9.—**(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 16th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

Failure to  
elect  
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First meeting  
1972

**10.**—(1) The first meeting of the Regional Council in the year 1972 shall be held on or after the 16th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First meeting  
of area  
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January.

First meeting  
of Regional  
Council

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of  
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of  
allegiance,  
declaration of  
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.



(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office R.S.O. 1970, c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Regional Council deemed organized

**11.**—(1) Eleven members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

**12.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of Other members

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

**Resignation** (5) Where a member has been elected as a member of the Regional Council a resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

**Where head of council incapacitated** (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

**Remuneration** **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine.

**Idem** (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

**Committees** **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

**Remuneration of committee chairman** (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

**Procedural by-laws** **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

**Head of Council** **17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

**Chief administrative officer** (2) Subject to section 139, the Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;



- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies <sup>Application of R.S.O. 1970, c. 284, s. 238</sup> to a chief administrative officer appointed under subsection 2 of this section.

**18.** When the chairman is absent from the Regional Area <sup>Acting chairman</sup> or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

**19.**—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, <sup>Application of R.S.O. 1970, c. 284</sup> and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* <sup>Idem</sup> apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

**20.**—(1) The Regional Council shall appoint a clerk, whose <sup>Appointment of clerk</sup> duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who <sup>Deputy clerk</sup> shall have all the powers and duties of the clerk.

Acting clerk (3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting clerk,  
first  
meeting (4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes  
open to  
inspection **21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of  
by-laws  
affecting  
land (2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies  
certified by  
clerk to be  
receivable in  
evidence (3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment  
of treasurer **22.**—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy  
treasurer (2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting  
treasurer (3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise,

the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

**23.**—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. <sup>Receipt and disbursement of money</sup>

(2) Notwithstanding subsection 1, the Regional Council may by by-law, <sup>Signing of cheques</sup>

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. <sup>Petty cash fund</sup>

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed. <sup>When member may be paid</sup>

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. <sup>Treasurer's liability limited</sup>

**24.** Subject to subsection 3 of section 23, the treasurer shall, <sup>Bank accounts</sup>

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

(c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly  
statement

**25.**—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to  
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment  
of auditors

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Dis-  
qualification  
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by



the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

**27.**—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the Regional Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall during the first year of his employment by the Regional Holidays

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of  
employment

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed in any undertaking of any local municipality or local board thereof that is assumed by the Regional Corporation under this Act.

Entitlement  
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than that which he was receiving on the 1st day of April, 1972.

Application  
of  
R.S.O. 1970,  
c. 324

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of  
employment

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972.

Sick leave  
credits

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination  
of employ-  
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.



28. This Part comes into force on the day this Act receives Royal Assent. Commence-  
ment of  
Part

### PART III

#### REGIONAL WATERWORKS SYSTEM

29.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Supply and  
distribution  
of water by  
Regional  
Corporation

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water. Area muni-  
cipalities, no  
power to  
supply and  
distribute  
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of  
property in  
Regional  
Corporation

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreements with the corporation for the use of such works in the regional waterworks system. Agreements

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Payments of  
principal and  
interest to  
area muni-  
cipalities  
  
R.S.O. 1970.  
c 255

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as Interest to  
be charged by  
area  
municipality

the council of the area municipality determines, from such date until payment is made.

Commence-  
ment of Part

**30.** This Part comes into force on the day this Act receives Royal Assent.

## PART IV

### REGIONAL SEWAGE WORKS

Collection  
and disposal  
of sewage by  
Regional  
Corporation

**31.—**(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of sewage in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-  
palities, no  
power to  
collect and  
dispose of  
sewage

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage.

Vesting of  
property in  
Regional  
Corporation

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works, specified in subsection 3, are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.

Payment of  
principal and  
interest to  
area municipi-  
palities

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts or principal and

interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work. R.S.O. 1970, c. 255

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Interest to be charged by area municipality

(7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage and land drainage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board. Imposition of sewage rate

**32.** This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

## PART V

### PLANNING

**33.**—(1) On and after the 1st day of January, 1973, the Regional Area shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Sudbury Planning Area. Planning area R.S.O. 1970, c. 349

(2) The Regional Council shall be the planning board of the Sudbury Planning Area. Regional Council to be planning board

(3) No area municipality shall be deemed to be a municipality for the purposes of *The Planning Act* and all planning areas and subsidiary planning areas that are included in the Sudbury Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972. Planning areas and subsidiary planning areas dissolved

(4) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area. Official plan

(5) The Regional Council may appoint such advisory planning committees as it considers necessary. Advisory committees

Delegation of  
Minister's  
powers  
R.S.O. 1970,  
c. 349

(6) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees  
of adjustment

(7) All committees of adjustment heretofore constituted by the council of a local municipality in the Sudbury Planning Area are hereby dissolved on the 31st day of December, 1972, and the Regional Council shall forthwith after the 1st day of January, 1973, pass a by-law appointing a committee of adjustment under section 41 of *The Planning Act*.

## PART VI

### HEALTH AND WELFARE SERVICES

Liability for  
hospital-  
ization of  
indigents  
R.S.O. 1970,  
c. 378, 361

**34.**—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing  
liabilities  
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973.

Hospital-  
ization grant  
1973 under  
R.S.O. 1970,  
c. 293

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8 for the year 1972 and shall be paid to the Regional Corporation.

Aid to  
hospitals

**35.**—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers.



(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973 and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payments of principal and interest to area municipalities

**36.** On and after the 1st day of January, 1973, the Regional Area shall continue to be part of the health unit established under *The Public Health Act* known as the Sudbury and District Health Unit.

Regional Area part of Sudbury and District Health Unit  
R.S.O. 1970, c. 377

**37.** The representation of the Regional Area on the board of health of the Sudbury and District Health Unit shall comprise seven members, who are also members of the Regional Council, appointed by the Regional Council.

Representation on board of health

**38.—(1)** The Regional Corporation shall be deemed to be a municipality for the purposes of *The District Welfare Administration Boards Act* and as such shall be a member municipality of the District of Sudbury Welfare Administration Board.

Regional Corporation deemed municipality under  
R.S.O. 1970, c. 132

(2) No area municipality shall be deemed to be a municipality for the purposes of the following Acts and the Regional Corporation shall be deemed to be a town for such Acts;

Regional Corporation deemed town under  
R.S.O. 1970, cc. 21, 270, 422, 491, 104, 192, 203

1. *The Anatomy Act*;
2. *The Mental Hospitals Act*;
3. *The Sanatoria for Consumptives Act*;
4. *The War Veterans Burial Act*;
5. *The Day Nurseries Act*;
6. *The General Welfare Assistance Act*;
7. *The Homemakers and Nurses Services Act*.

Membership on District Welfare Administration Board  
R.S.O. 1970, c. 132

(3) Notwithstanding subsection 4 of section 3 of *The District Welfare Administration Boards Act*, a minimum of two-thirds

of the membership of the District Welfare Administration Board shall be members of the Regional Council, appointed by the Regional Council.

Liability  
respecting  
homes for  
the aged  
R.S.O. 1970,  
c. 206

**39.**—(1) The Regional Corporation shall be deemed to be a town for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act.

Sudbury  
home for  
aged vested  
in Regional  
Corporation

(2) The home for the aged known as Pioneer Manor in the District of Sudbury and all real and personal property used for the purposes of such home vest in the Regional Corporation on the 1st day of January, 1973, without compensation, except as provided in subsection 4.

Respon-  
sibility of  
Regional  
Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(4) The Regional Corporation may enter into such agreements as it deems advisable with any municipality outside the Regional Area in respect of contributions made by such municipality to the construction and operation of Pioneer Manor and also in respect of the admission and maintenance of residents of such municipality.

Settling  
disputes

(5) If the Regional Corporation or any municipality cannot reach agreement in respect of the matters provided for in subsection 4, either party may submit the dispute to the Municipal Board whose decision shall be final.

Regional  
Corporation  
deemed city  
under  
R.S.O. 1970,  
c. 64

**40.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Existing  
liabilities  
transferred  
1965, c. 14

**41.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act, 1965*, and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability  
under order  
made under  
R.S.C. 1970,  
c. J-3

**42.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area



municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sum of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

**43.**—(1) In the event that there is any doubt as to whether <sup>Adjustments</sup> the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

(2) Every area municipality and every officer or employee <sup>Information</sup> thereof, shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

**44.** The Regional Corporation may grant aid to approved <sup>Grants to approved corporations established under R.S.O. 1970, c. 204</sup> corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

## PART VII

### POLICE

**45.** In this Part, “Sudbury Police Board” means the <sup>Interpretation</sup> Sudbury Regional Board of Commissioners of Police.

**46.**—(1) Notwithstanding *The Police Act*, on the 1st day of <sup>Sudbury Regional Board established R.S.O. 1970, c. 351</sup> November, 1972, a board of commissioners of police shall be constituted to be known as the Sudbury Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the district court of the Provisional Judicial District of Sudbury designated by the Lieutenant-Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Sudbury Police Board, including a <sup>Quorum</sup> member appointed by the Regional Council, are necessary to form a quorum.

(3) The Regional Corporation shall provide for the payment <sup>Remuneration</sup> of a reasonable remuneration, not being less than the minimum

prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional  
Corporation  
deemed city  
under  
R.S.O. 1970,  
c. 351

**47.**—(1) On and after the 1st day of January, 1973,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) The Sudbury Police Board and the members of the Sudbury Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Sudbury Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area police  
force

**48.**—(1) Every person who is a member of a police force of or for a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Sudbury Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

Sudbury  
Regional  
Police Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1972 and becomes a member of the Sudbury Regional Police Force on the 1st day of January, 1973, is subject to the government of the Sudbury Police Board to the same extent as if appointed by the Sudbury Police Board.

Joint  
bargaining  
committee  
R.S.O. 1970,  
c. 351

(3) After the 1st day of November, 1972, the members of the police forces of all local municipalities shall appoint a joint bargaining committee to represent all police forces in

the local municipalities to bargain with the Sudbury Police Board in the manner and for the purposes provided in *The Police Act*, and the Sudbury Police Board shall be the sole negotiating body to bargain with such committee. <sup>R.S.O. 1970, c. 351</sup>

(4) The first meeting of the bargaining committee and the Sudbury Police Board shall be held not later than the 30th day of November, 1972. <sup>Time of meeting</sup>

(5) Every person who becomes a member of the Sudbury Regional Police Force under subsection 2 shall, <sup>Terms of employment</sup>

(a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Sudbury Police Board and such member shall have such uninterrupted membership in the Ontario Municipal Employees Retirement System;

(b) have a retirement age of sixty years of age;

(c) have credited to him in the Sudbury Regional Police Force the number of years of service that he had in the police force of or for the local municipality of which he was a member of on the 31st day of December, 1972;

(d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Sudbury Police Board as he had in the plan of the local municipality; and

(e) not be assigned without his consent to serve on a permanent basis at a detachment in the Regional Area more than twenty miles distant from his former detachment headquarters, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of April, 1972;

(6) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Sudbury Police Board. <sup>Application of R.S.O. 1970, c. 284, s. 239</sup>

**49.**—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Sudbury Police Board any such land or building that the Sudbury Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent <sup>Assumption of buildings</sup>

of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by area  
municipal-  
ities  
limited

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973 shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension  
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein.

Building  
not used  
exclusively  
for police  
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional  
Corporation  
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement, the Municipal



Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment <sup>Default</sup> on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(7) Where a building vested in a local municipality or <sup>Accommodation</sup> local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Sudbury Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Sudbury Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the Sudbury Police Board, each area <sup>Office supplies, etc.</sup> municipality, for the use of the Sudbury Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery, in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any <sup>Signal system transferred</sup> local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and

interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling  
of doubts

(10) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property  
to be  
provided

**50.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the Sudbury Police Board.

Commence-  
ment of Part

**51.** This Part comes into force on the day this Act receives Royal Assent.

## PART VIII

### REGIONAL ROAD SYSTEM

Interpre-  
tation

**52.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.



**53.**—(1) The Regional Council shall pass a by-law establishing a regional road system and designating the roads to be included therein as regional roads, and such by-law shall be submitted to the Minister not later than the 31st day of July, 1973. By-law establishing regional road system by July 31, 1973

(2) Notwithstanding subsection 12, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1974. By-law effective Jan. 1, 1974

(3) In the event that the Regional Council does not pass a by-law as required by subsection 1 before the 1st day of August, 1973, the Lieutenant Governor in Council may establish the regional road system by designating the roads to form part thereof and the regional road system shall be deemed to have been established on and after the 1st day of January, 1974, or on and after such later date as the Lieutenant Governor in Council may determine. Establishment of regional road system by Lieutenant Governor

(4) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality. Adding or removing roads by-law

(5) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*. Transfer of provincial highway to Regional Corporation R.S.O. 1970, c. 201

(6) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation. Vesting of roads in Regional Corporation

(7) The Lieutenant Governor in Council may remove any road from the regional road system. Removal of roads from regional road system

(8) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 63, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. Roads removed from regional road system

Status of  
land acquired  
for widening  
regional road

(9) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(10) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating  
by-laws

(11) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of  
by-laws

(12) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Application  
of R.S.O. 1970,  
c. 410

(13) *The Regulations Act* does not apply to an order in council made under this section.

Plan of  
construction  
and main-  
tenance

**54.** The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of  
information  
to Minister

**55.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution  
toward  
expenditures  
R.S.O. 1970,  
c. 201

**56.** Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance  
and repair

**57.** The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

**58.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the regional road system. Powers over roads assumed

**59.—(1)** The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council, expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipalities to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1970, c. 201, s. 97, subs. 4, not to apply



Installation of traffic control devices

**60.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law, vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc. on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk improvement or service and the work may be undertaken in whole or in part under

R.S.O. 1970, c. 255

*The Local Improvement Act.*

Intersection of other roads by regional roads

**61.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

**62.** The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 53 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

Powers and liabilities of Regional Corporation

**63.** With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970, cc. 284, 202

Erection of gasoline pumps and advertising device near regional road

**64.**—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the <sup>Permits</sup> issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

**65.**—(1) No by-law passed by an area municipality for the <sup>By-laws of area municipalities regulating traffic</sup> regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. R.S.O. 1970,  
c. 202

(2) All signal-light traffic control devices heretofore or <sup>Signal-light devices</sup> hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

(3) The Regional Corporation may contribute toward the <sup>Contribution toward cost of signal-lights</sup> cost of the erection of signal-light traffic control devices erected by an area municipality.

(4) Subject to *The Highway Traffic Act*, the Regional Council <sup>Traffic control within 100 ft. of regional roads</sup> may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

**66.** The Regional Council may by by-law authorize agree- <sup>Agreement for pedestrian walks</sup> ments between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes  
as to  
maintenance,  
etc., of  
bridges and  
highways  
R.S.O. 1970,  
c. 284

**67.**—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing  
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges  
between  
area municipi-  
alities

**68.** Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary  
bridges  
between  
Regional  
Area and  
adjoining  
municipality

**69.** Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.



**70.**—(1) The Regional Council may by by-law designate any <sup>Controlled-</sup>road in the regional road system, or any portion thereof, as a <sup>access</sup>roads controlled-access road.

(2) Subject to the approval of the Municipal Board, the <sup>Closing</sup>Regional Council may by by-law close any municipal road that <sup>municipal</sup>roads intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any appli- <sup>Notice of</sup>cation for approval of the closing of a road under this section <sup>application</sup>shall be given at such time, in such manner and to such persons <sup>for approval</sup>as the Municipal Board may determine, and may further direct <sup>for closing</sup>that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the <sup>Order of</sup>closing of a road, the Municipal Board may make such order <sup>O.M.B.</sup>as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so <sup>Closing</sup>obtained but subject to the provisions of the order of the <sup>road</sup>Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) The Regional Corporation, or any person including an <sup>Appeal</sup>area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

(7) Application for leave to appeal shall be made within <sup>Time for</sup>thirty days after the date of the determination or order of the <sup>appeal</sup>Municipal Board subject to the rules of the court as to vacations.

(8) The leave may be granted on such terms as to the giving <sup>Leave to</sup>of security for costs and otherwise as the court may consider <sup>appeal</sup>just.

Practice and  
procedure  
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,  
c. 323, s. 95  
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private  
roads, etc.,  
opening  
upon  
controlled  
access roads

**71.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service of  
notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to  
comply with  
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-  
tion

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road designated under subsection 1 of section 70 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

**72.**—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. Regional liability where road forms part of system

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Idem R.S.O. 1970, c. 255

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum or such lower rate as the council of the area municipality determines from such date until payment is made. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

**73.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. Stopping-up highways

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. Agreement

**74.** The Regional Council shall by by-law appoint a person who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system. Appointment of regional roads engineer R.S.O. 1970, c. 366

**75.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system. Application of R.S.O. 1970, c. 202

**76.** This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

## PART IX

## REGIONAL WASTE DISPOSAL

Interpre-  
tation

**77.**—(1) In this Part, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse.

Receiving  
and disposing  
of waste by  
Regional  
Corporation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Waste  
disposal sites

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation.

Payments of  
principal  
and interest  
to area  
municipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Application  
of R.S.O. 1970,  
c. 284, s. 354

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

## PART X

## FINANCES

Interpre-  
tation  
R.S.O. 1970,  
c. 32

**78.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.



(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional Corporation deemed regional municipality

- (a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

**79.** Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of money not immediately required R.S.O. 1970, c. 284

#### YEARLY ESTIMATES AND LEVY

**80.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance to be made in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, cc. 32, 284

**81.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on area municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportionment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs. 4 ceases to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to Regional Corporation and area municipality

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.



(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment  
of by-law  
where  
necessary  
following  
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed  
assessments,  
etc., not to  
apply

R.S.O. 1970,  
c. 32

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes that include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*.

Assessment  
to include  
valuations on  
properties for  
which payments  
in lieu  
of taxes  
paid

R.S.O. 1970,  
c. 284,  
1971, c. 78

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize

Valuation of  
properties

and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations.

**Levy by-laws** (13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

**Regional levy**  
R.S.O. 1970,  
c. 32 (14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

**Payment** (15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

**Default** (16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

**Adjustment of 1973 regional levy** (17) Notwithstanding any other provisions in this section, the Regional Council shall adjust its 1973 levy against area municipalities to make allowance for payments out of revenue which were made by local municipalities for the construction, erection and equipping of public hospitals in the four years prior to the 1st day of January, 1973.

**Equalization of assessment of merged areas** **82.**—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

**Notice** (2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

**Apportionment among merged areas**  
R.S.O. 1970,  
cc. 405, 284, 32 (3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. <sup>Determination of rates</sup>

(5) An area municipality which in 1973 receives the benefit of an allowance under subsection 17 of section 81, shall adjust its tax rate in 1973 in such a manner that the benefit of the allowance accrues to the merged area that supported the payment out of revenue referred to in the said subsection. <sup>Adjustment of 1973 tax rate</sup>

(6) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 81. <sup>When provisions cease to apply</sup>

**83.**—(1) Notwithstanding section 81, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 15 and 16 of section 81 apply to such a levy. <sup>Levy by Regional Council before estimates adopted</sup>

(2) Notwithstanding section 81, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 81 apply to such a levy. <sup>Idem</sup>

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81. <sup>Levy under section 81 to be reduced</sup>

(4) Notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, the council of an area municipality may in any year by by-law passed before <sup>Levy by area municipality before estimates adopted</sup>



the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business  
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under  
section 82 to  
be reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 82.

Application  
of R.S.O. 1970,  
c. 284, s. 303,  
subs. 4

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

R.S.O. 1970,  
c. 284, s. 303  
not to apply

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 81.

Rates under  
R.S.O. 1970,  
c. 430

**84.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for  
public school  
purposes on  
commercial  
assessment  
R.S.O. 1970,  
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school

purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for public school purposes on residential assessment  
R.S.O. 1970, c. 424

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 81.

Application of section

**85.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any

Transitional adjustments

specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances  
to be made  
in estimates  
of area  
municipi-  
palities in  
1973  
R.S.O. 1970,  
c. 284

**86.**—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged  
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

#### ADJUSTMENTS

Interpre-  
tation

**87.**—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or  
deficit at  
Dec. 31, 1972  
to be applied  
to supporting  
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Arbitration

**88.**—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Balfour and the Township of Dowling.

Idem

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular



assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973. <sup>Provisional determination</sup>

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary. <sup>Final determination</sup>

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities. <sup>Idem</sup> <sup>R.S.O. 1970, c. 284</sup>

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination. <sup>Idem</sup>

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. <sup>Documents and records of divided municipalities</sup>

(8) Notwithstanding the provisions of section 87 and this section, the Minister may by order prescribe the period over which any adjustments made thereunder are to be made. <sup>Period of adjustment</sup>

#### RESERVE FUNDS

**89.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the <sup>Reserve funds of municipalities</sup>

Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

(3) Notwithstanding subsection 1, reserve funds established by local municipalities for the purpose of providing aid for the construction, erection and equipping of public hospitals, shall be deemed to be part of surplus, and disposed of in accordance with section 87.

Reserve funds, establishment

**90.**—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970, c. 470

Expenditure of reserve fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to report on reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

#### TEMPORARY LOANS

Current borrowings

**91.**—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by

law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. <sup>Limit upon borrowings</sup>

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister. <sup>Temporary application of estimates of preceding year</sup>

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. <sup>Protection of lender</sup>

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. <sup>Execution of promissory notes</sup>

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. <sup>Creation of charge</sup>

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer. <sup>Execution of agreements</sup>

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. <sup>Penalties for excess borrowings</sup>

Penalty for mis-application of revenues by Regional Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to penalties R.S.O. 1970, c. 118

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

#### DEBT

Debt, R.S.O. 1970, c. 323

**92.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.



(4) When an area municipality, prior to the 31st day of December, 1972, <sup>Uncompleted works</sup>

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. <sup>Bonds, debentures, etc., trustee investments R.S.O. 1970, c. 470</sup>

**93.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. <sup>Power to incur debt or issue debentures R.S.O. 1970, c. 323</sup>

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. <sup>Idem</sup>

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. <sup>Proviso</sup>

**94.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional <sup>Borrowing pending issue and sale of debentures</sup>

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on  
proceeds  
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application  
of proceeds  
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106, shall be transferred to the area municipality.

Hypotheca-  
tion not to  
prevent sub-  
sequent sale  
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal  
and interest  
payments

**95.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.



(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality,

provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies  
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to  
change mode  
of issuing  
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,  
when to be  
dated and  
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them,

and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(12) All the debentures shall bear the same date, except <sup>Date of debentures</sup> where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the <sup>Idem</sup> debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the Regional <sup>Extension of time for issue</sup> Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application is <sup>Application after time expired</sup> not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take <sup>Effective date</sup> effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the <sup>Consolidation</sup> Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis* <sup>Consolidating debenture by-laws R.S.O. 1970, c. 284</sup> *mutandis* to the Regional Corporation.

(19) The by-law may provide that all the debentures or a <sup>Redemption before maturity</sup> portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or



- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures<sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised yearly an amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount<sup>Principal levies</sup> of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking<sup>Consolidated bank</sup> fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be<sup>Sinking fund</sup> a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate member<sup>Alternate members</sup> for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

- Chairman (26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1970,  
c. 284
- Quorum (28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of  
sinking fund  
assets (29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals  
from bank  
accounts (30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- R.S.O. 1970,  
c. 470
- (a) in securities in which a trustee may invest under *The Trustee Act*;
  - (b) in debentures of the Regional Corporation;
  - (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
  - (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- Deposit of  
securities  
with  
Treasurer  
of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.



(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings credited to sinking fund account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the Where amount in sinking fund account more than sufficient to pay debt

estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion  
of sinking  
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit  
and  
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the

Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

**96.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest ;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies ;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto ;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures ; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 94 shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Special assessment and levies

**97.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law when part only of money to be raised

When to  
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt  
paid certain  
by-laws  
cannot be  
repealed

**98.**—(1) Subject to section 97, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application  
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for  
neglect of  
officer to  
carry out  
by-law

**99.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money  
by-laws may  
be registered

**100.**—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application  
to quash  
registered  
by-law, when  
to be made  
R.S.O. 1970,  
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or



action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 93, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

**101.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture Interest coupons

or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
reproduction  
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of  
mechanical  
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency  
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures  
on which  
payment has  
been made  
for one year  
to be valid

**102.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of  
transfer  
may be  
prescribed

**103.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the



.....  
 .....  
 of .....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer. Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. Transfer by entry in Debenture Registry Book

**104.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. Replacement of lost debentures

**105.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount. Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation. On request of sinking fund committee

New  
debentures of  
same force  
and effect as  
debentures  
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds of  
debentures

**106.** —(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the

debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**107.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of  
proceeds of  
sale of asset  
acquired  
from proceeds  
of sale of  
debentures

**108.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders  
for  
debentures

**109.**—(1) The Regional Council shall,

Accounts,  
how to be  
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**110.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of  
members

**111.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Dis-  
qualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing  
of debentures

**112.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and



- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

#### ASSETS

**113.** In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued, at more than \$5,000. Disposal of assets

**114.**—(1) This Part, except sections 88 and 113 comes into force on the 1st day of January, 1973. Commencement of Part

(2) Sections 88 and 113 come into force on the day this Act receives Royal Assent. Idem

### PART XI

#### GENERAL

**115.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 59, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

Deemed  
municipality  
for  
R.S.O. 1970,  
c. 81

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
for  
R.S.O. 1970,  
c. 250, s. 88

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality.

Vesting of  
transporta-  
tion system  
assets in  
Regional  
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Emergency  
measures,  
civil defence

**116.**—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,  
c. 284

Powers of  
Regional  
Council re  
emergency  
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area



municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,  
c. W-2;  
R.S.O. 1970,  
c. 145
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed  
county for  
R.S.O. 1970,  
c. 145

**117.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. Expenditures  
for diffusing  
information

**118.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. Grants to  
persons  
engaged in  
work  
advantageous  
to Regional  
Area

**119.** Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Sudbury Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages Payment of  
damages  
to employees  
R.S.O. 1970,  
c. 505

from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation  
by district  
judge of  
charges of  
malfeasance

**120.**—(1) Where the Regional Council passes a resolution requesting a judge of the district court within the Regional Area or a judge of the district court of a district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

1971, c. 49

Fees payable  
to judge  
R.S.O. 1970,  
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging  
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission  
of inquiry

**121.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

When  
commission  
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than

one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. <sup>Expenses of commission</sup>

**122.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. <sup>Entry on highways, etc.</sup>

**123.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. <sup>Agreements re services</sup>

**124.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. <sup>Application of R.S.O. 1970, c. 23</sup>

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. <sup>Regional Corporation and area municipalities deemed not tenants</sup>

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof. <sup>Interpretation</sup>

**125.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: <sup>Execution against Regional Corporation</sup>

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.



2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Sudbury" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function  
of clerk,  
collectors  
and assessors

- (2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect

or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

**126.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. Conditional powers

**127.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

**128.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of  
R.S.O. 1970,  
c. 284, s. 256

**129.** For the purposes of *The Municipal Subsidies Adjustment Act*, the Township of Balfour shall be deemed to be an urban municipality and the Township of Rayside annexed thereto. Twp. Balfour deemed urban municipality under  
R.S.O. 1970,  
c. 291

**130.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire  
Co-ordinator

**131.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, Existing speed limits continued  
R.S.O. 1970,  
c. 202

formed part of a town or township municipality shall be considered to continue to form part of a town or township municipality.

By-laws of  
Regional  
Council  
and area  
councils  
R.S.O. 1970,  
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing  
speed limits  
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application  
of R.S.O. 1970,  
c. 354, s. 108

**132.**—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution  
of electrical  
power

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of  
commission  
continue in  
office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions  
dissolved

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973.

Members of  
commission  
not  
disqualified  
as members  
of Council  
R.S.O. 1970,  
c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.



**133.**—(1) The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation  
and parks  
management  
board  
R.S.O. 1970,  
cc. 120, 73

(2) Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Public library  
boards  
R.S.O. 1970,  
c. 381

**134.**—(1) Notwithstanding section 38 of *The Secondary Schools and Boards of Education Act* and section 90 of *The Separate Schools Act*,

Election

- (a) the polling day for the member of The Sudbury Board of Education and of The Sudbury District Roman Catholic Separate School Board in the year 1972 shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the Minister shall by order fix days, times and places for the nomination of candidates for The Sudbury Board of Education and for The Sudbury District Roman Catholic Separate School Board in the year 1972 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The Sudbury Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The Sudbury District Roman Catholic Separate School Board.

R.S.O. 1970,  
cc. 362, 368

(2) Notwithstanding section 38 of *The Secondary Schools and Boards of Education Act* and section 90 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days.

Idem  
R.S.O. 1970,  
cc. 362, 368

**135.**—(1) Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972.

s. 244 of  
R.S.O. 1970,  
c. 284, not  
to apply

Area municipalities deemed townships

(2) With the exception of the City of Sudbury, the area municipalities shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act*.

Statute labour boards dissolved

**136.**—(1) Every statute labour board that has jurisdiction in the Regional Area is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such board had jurisdiction.

Local roads boards dissolved

(2) Where an established local roads area is entirely within the Regional Area such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such local roads area was established.

Removal of part of local roads area

(3) Where part of an established local roads area is within the Regional Area such part is removed from the local roads area on the 1st day of January, 1973.

Taxes and penalties

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the Regional Area which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of local roads boards

R.S.O. 1970,  
c. 256

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads area was established.

Power of Sudbury council to pass by-laws

R.S.O. 1970,  
c. 284

**137.** The council of The Corporation of the City of Sudbury may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Agreements re collection of tax arrears under R.S.O. 1970, c. 370

**138.** An area municipality may enter into an agreement with the Land Tax Collector appointed under *The Provincial*

*Land Tax Act* respecting the collection by the area municipality of arrears of land tax imposed under that Act in respect of property within such area municipality.

**139.** Notwithstanding subsection 2 of section 17, the Lieutenant Governor in Council shall, before the 16th day of October, 1972, appoint a chief administrative officer to hold office during the years 1972 to 1976 inclusive and until his successor is appointed by the Regional Council in accordance with subsection 2 of section 17, and the chief administrative officer appointed under this section shall have such powers and perform such duties as may be assigned to him by by-law of the Regional Council approved by the chairman together with such additional powers and duties as may be conferred or imposed on him by the chairman and shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Appointment  
of chief  
administra-  
tive officer  
by  
Lieutenant  
Governor in  
Council

**140.** The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Expenses of  
Regional  
Corporation  
during 1972

**141.**—(1) This Part and Parts V, VI and IX come into force on the day this Act receives Royal Assent.

Commence-  
ment of Part

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Idem, s. 1

**142.** This Act may be cited as *The Regional Municipality of Sudbury Act, 1972*.

Short title

## FORM 1

(Section 10 (6) )

## OATH OF ALLEGIANCE

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

## FORM 2

(Section 10 (6) )

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Sudbury or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.



An Act to establish  
The Regional Municipality of Sudbury

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*1st Reading*

June 12th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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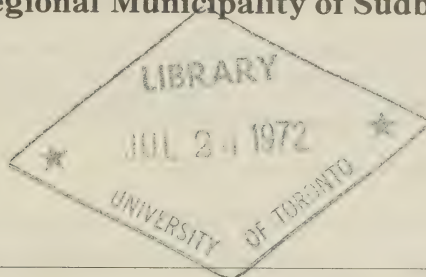
BILL 164

Government Bill

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to establish  
The Regional Municipality of Sudbury**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Bill provides for the formation of seven area municipalities by the amalgamation and annexation of fifteen local municipalities and portions of eighteen geographic townships in the District of Sudbury and for the incorporation of The Regional Municipality of Sudbury.

The Bill is divided into eleven Parts:

- PART I — Area municipalities
- PART II — Incorporation and Council of Regional Area
- PART III — Regional Waterworks
- PART IV — Regional Sewage Works
- PART V — Planning
- PART VI — Health and Welfare Services
- PART VII — Police
- PART VIII — Regional Road System
- PART IX — Regional Waste Disposal
- PART X — Finances
- PART XI — General

BILL 164

1972

## An Act to establish The Regional Municipality of Sudbury

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

**1.** In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the City of Sudbury, the Town of Capreol, the Town of Dowling, the Town of Neelon and Garson, the Town of Rayside-Balfour, the Town of Valley East and the Town of Waters, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (*h*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (*i*) "local municipality" means in the year 1972 a local municipality and any geographic township or part thereof in the Regional Area;
- (*j*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (*k*) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (*l*) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (*m*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (*n*) "Municipal Board" means the Ontario Municipal Board;
- (*o*) "Regional Area" means the area from time to time included within the area municipalities;
- (*p*) "Regional Corporation" means the Regional Municipality of Sudbury;
- (*q*) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part VIII;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1973,

Constitution  
of area  
municipalities

- (a) The Corporation of the Town of Capreol together with the geographic township of Hutton and the geographic township of Norman are amalgamated as a town municipality bearing the name of The Corporation of the Town of Capreol and the portion of the geographic township of Parkin, described as follows, is annexed to such town:

COMMENCING at the southwest angle of the geographic township of Parkin;

THENCE northerly along the west boundary of the Township of Parkin to the northwest corner of Lot 12 in Concession I of the said Township;

THENCE easterly along the north limit of Lot 12 to the northeast angle thereof;

THENCE southerly along the east limit of Lot 12 in Concession I in the said Township of Parkin to the south boundary of the said Township;

THENCE westerly along the south boundary of the Township of Parkin to the point of commencement;

- (b) The Corporation of the Town of Levack and The Corporation of the Improvement District of Onaping are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dowling and the portions of the Township of Dowling and the geographic township of Levack described as follows are annexed to such town:

FIRSTLY, part of the Township of Dowling, commencing at a point in the northwest angle of the Township of Dowling the said point being the southwest angle of the Improvement District of Onaping;

THENCE easterly along the north boundary of the said Township of Dowling to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Dowling to the limit between the north half and the south half of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Concession III of the geographic township of Fairbank to the west boundary of the Township of Dowling;

THENCE northerly along the west boundary of the Township of Dowling to the point of commencement;

SECONDLY, part of the geographic township of Levack, commencing at the northwest angle of the geographic township of Levack;

THENCE easterly along the north boundary of the said township to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Levack to the north boundary of the Improvement District of Onaping;

THENCE westerly along the north boundary of the said Improvement District of Onaping to the east boundary of the Town of Levack;

THENCE following the boundaries between the geographic township of Levack and the Town of Levack to the boundary of the Improvement District of Onaping;

THENCE westerly along the northerly boundary of the said Improvement District to the west boundary of the said geographic township of Levack;

THENCE northerly along the west boundary of the said township to the point of commencement;

- (c) The Corporation of the Town of Coniston, The Corporation of The Township of Falconbridge and the geographic township of Maclellan are amalgamated as a town municipality bearing the name of The Corporation of the Town of Neelon and Garson and the portions of the Township of Neelon and Garson and the geographic township of Dryden, described as follows, are annexed to such town:



FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE southerly, easterly and southerly along the boundaries of the Township of Neelon and Garson to the southerly boundary of the said Township;

THENCE easterly along the southerly boundary of the Township of Neelon and Garson to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the northeast angle thereof;

THENCE westerly along the northerly boundary of the Township of Neelon and Garson to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Coniston;

SECONDLY, part of the geographic township of Dryden, commencing at a point in the easterly boundary of the Township of Dryden where it is intersected by the limit between the north half and the south half of Lot 1 in Concession 1 of the said Township of Dryden;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8 and part of Lot 9 in Concession I of the Township of Dryden to the westerly limit of Secondary Highway Number 537;

THENCE northerly along the westerly limit of the said Secondary Highway to the south limit of Lot 9 in Concession II of the said Township of Dryden;

THENCE westerly along the south limit of part of Lot 9 and the south limits of lots 10, 11 and 12 in Concession II of the Township of Dryden to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Dryden to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Dryden to the northeast angle of the said Township;

THENCE southerly along the east boundary of the said Township of Dryden to the point of commencement;

- (d) The portions of the Township of Balfour and the geographic township of Snider, described as follows, are annexed to The Corporation of the Township of Rayside to establish a town municipality bearing the name of The Corporation of the Town of Rayside-Balfour:

FIRSTLY, part of the Township of Balfour, commencing at the northwest angle of the Township of Balfour;

THENCE easterly along the north boundary of the Township of Balfour being along the north boundary of the geographic township of Morgan to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Balfour to the southeast corner of Lot 1 in Concession IV in the geographic township of Creighton;

THENCE westerly along the south limit of lots 1 to 12, both inclusive, in Concession IV of the said Township of Creighton to the west boundary of the geographic township of Creighton, being also the west boundary of the Township of Balfour;

THENCE northerly along the west boundaries of the said Township of Balfour to the point of commencement;

SECONDLY, part of the geographic township of Snider, commencing at the northeast corner of Lot 1, in Concession IV of the said Township of Snider;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said Township of Snider to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Snider to the northwest corner of broken Lot 10 in Concession V of the said Township;

THENCE easterly in a straight line along the north limit of Concession V of the geographic township of Snider being along the south boundary of the Township of Rayside to the east boundary of the said geographic township;

THENCE southerly along the east boundary of the Township of Snider to the point of commencement;

- (e) The Corporation of the City of Sudbury and The Corporation of the Town of Copper Cliff are amalgamated as a city municipality bearing the name of The Corporation of the City of Sudbury and the portions of the geographic townships of Broder, Dill, Eden and Tilton, described as follows, are annexed to such city:

FIRSTLY, part of the geographic township of Broder, commencing at the southwest angle of the Township of Broder;

THENCE northerly along the west boundary of the Township of Broder to the northwest angle thereof;

THENCE easterly along the north boundary of the said Township to an angle of the City of Sudbury;

THENCE following the boundaries between the geographic township of Broder and the City of Sudbury to the north boundary of the said township;

THENCE easterly along the north boundary of the Township of Broder to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township to the southeast angle thereof;

THENCE westerly along the southern boundary of the said Township of Broder to the point of commencement;

SECONDLY, part of the geographic township of Dill, commencing at the southwest angle of the Township of Dill;

THENCE easterly along the south boundary of the Township of Dill to the southeast angle of Lot 7 in Concession I of the said Township;

THENCE northerly along the line between lots 6 and 7 in concessions I to VI, both inclusive, to the north boundary of the said Township of Dill;

THENCE westerly along the north boundary of the Township of Dill to the northwest angle thereof;

THENCE southerly along the west boundary of the said Township of Dill to the point of commencement;

THIRDLY, part of the geographic township of Eden, commencing at a point in the east boundary of the Township of Eden where it is intersected by the south limit of Farm Location F L 54 of the said Township of Eden;

THENCE westerly along the south limit of the said Farm Location F L 54 to the southwest angle of the said Farm Location;

THENCE northerly along the west limit of the said Farm Location to the northwest angle thereof;

THENCE easterly along the north limit of the said Farm Location F L 54 to the east limit of the said Farm Location being the east boundary of the Township of Eden;

THENCE southerly along the east boundary of the said Township to the point of commencement;


FOURTHLY, part of the geographic township of Tilton, commencing at a point in the west boundary of the Township of Tilton where it is intersected by the south limit of Lot 12 in Concession VI of the said Township;

THENCE northerly along the west boundary of the said Township of Tilton to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Tilton to the east limit of Lot 10 in Concession VI of the said Township;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said Township of Tilton to the point of commencement;

 (f) The portions of the Township of Neelon and Garson and the geographic township of Lumsden, described as follows, are annexed to the Township of Valley East to establish a town municipality bearing the name of The Corporation of the Town of Valley East:


FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE northerly along the westerly boundary of the Township of Neelon and Garson to the northwest angle thereof;

THENCE easterly along the northerly boundary of the said Township to the point of commencement;

SECONDLY, part of the geographic township of Lumsden, commencing at the southwest angle of the geographic township of Lumsden; 

THENCE north along the west boundary of the Township of Lumsden to the Vermilion River;

THENCE easterly along the Vermilion River, being along the boundary of the Township of Valley East, to the east boundary of the said Township of Lumsden;



THENCE southerly along the east boundary of the Township of Lumsden to the southeast angle of the said Township;

THENCE westerly along the south boundary of the geographic township of Lumsden to the point of commencement;

- (g) The Corporation of the Town of Lively, The Corporation of the United Townships of Drury, Denison and Graham and The Corporation of the Township of Waters, together with the geographic townships of Dieppe, Lorne and Louise, are amalgamated as a town municipality bearing the name of The Corporation of the Town of Waters, and the portions of the Township of Balfour, the Township of Dowling and the geographic townships of Fairbank, Hyman, Snider and Trill, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Balfour, commencing at the southeast angle of the Township of Balfour, being also the southeast angle of the geographic township of Creighton;

THENCE northerly along the east boundary of the Township of Balfour to the northeast corner of Lot 1 in Concession III of the geographic township of Creighton;

THENCE westerly along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township of Creighton to the west boundary of the Township of Balfour;

THENCE southerly along the west boundary of the Township of Balfour to the southwest angle thereof;

THENCE easterly along the southern boundary of the Township of Balfour, being along the southern boundary of the said geographic township of Creighton to the point of commencement;

SECONDLY, part of the Township of Dowling, commencing at the southeast angle of the said Township of Dowling, being at the southeast angle of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE northerly along the east boundary of the said Township of Fairbank to the limit between the north half and the south half of Lot 1 in Concession III of the said Township;



THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in the said Concession III to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the geographic township of Fairbank, being along the west boundary of the Township of Dowling to the southwest angle of the said Township of Dowling;

THENCE easterly along the south boundary of the Township of Dowling to the point of commencement;

THIRDLY, part of the geographic township of Fairbank, commencing at the southeast angle of the said Township of Fairbank;

THENCE northerly along the east boundary of the Township of Fairbank to the northeast corner of Lot 1 in Concession II of the said Township;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession II of the Township of Fairbank being along the south boundary of the Township of Dowling to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the Township of Fairbank to the southwest angle thereof;

THENCE easterly along the southern boundary of the said Township of Fairbank to the point of commencement;

FOURTHLY, part of the geographic township of Hyman, commencing at the southeast angle of the said Township of Hyman;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession II of the said Township of Hyman;

THENCE westerly along the north limit of lots 1, 2 and 3 respectively, in Concession II to the northwest corner of Lot 3 in Concession II of the said Township of Hyman;

THENCE southerly following along the west limits of Lot 3 in concessions II and I to the southern boundary of the Township of Hyman;

THENCE easterly along the south boundary of the said Township of Hyman to the point of commencement;

FIFTHLY, part of the geographic township of Snider, commencing at the southwest angle of the said Township of Snider;

THENCE easterly along the south boundary of the said Township of Snider to the west boundary of the Town of Copper Cliff;

THENCE following the boundaries between the said Township of Snider and the Town of Copper Cliff to the east boundary of the said Township of Snider;

THENCE northerly along the east boundary of the geographic township of Snider to the northeast corner of Lot 1 in Concession IV of the said Township;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said geographic township of Snider to the west boundary of the said Township;

THENCE southerly along the west boundary of the said Township of Snider to the point of commencement;

SIXTHLY, part of the geographic township of Trill, commencing at the southeast angle of the said Township of Trill;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession III of the said Township of Trill;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township to the west boundary of the Township of Trill;

THENCE southerly along the boundary between the geographic townships of Trill and Totten to the southwest angle of the Township of Trill;

THENCE easterly along the south boundary of the said Township of Trill to the point of commencement.

Amalgamations and annexations deemed by Municipal Board orders R.S.O. 1970, cc. 323, 284

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any

local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order, <sup>Referendum re names of area municipalities</sup>

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

**3.**—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: <sup>Composition of council</sup>

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by wards.
3. The Town of Dowling—Six councillors one of whom shall be elected by general vote and five elected by wards.
4. The Town of Neelon and Garson—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Eight councillors elected by general vote.

6. The Town of Valley East—Six councillors elected by general vote.

7. The Town of Waters—Six councillors elected by wards.

Election and  
term of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 2nd day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. ...

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Application

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization  
committee  
in 1972

(5) The members of the council of each area municipality elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of  
first elections

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area municipi-



palities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(7) No area municipality shall have a board of control. No board of control

4. In every area municipality in the year 1974 and there-  
after, elections for the members of council and for any local  
board, any members of which are to be elected by ballot by the  
electors, shall be held in accordance with *The Municipal* 1972, c. ...  
*Elections Act, 1972.* Subsequent elections

5. This Part comes into force on the day this Act receives  
Royal Assent. Commence-  
ment of Part

## PART II

### INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 16th day of October, 1972, the inhabitants  
of the Regional Area are hereby constituted a body corporate  
under the name of "The Regional Municipality of Sudbury". Regional  
Corporation  
constituted

(2) The Regional Corporation shall be deemed to be a  
municipality for the purposes of *The Municipal Affairs Act*  
and *The Ontario Municipal Board Act.* Deemed  
municipality  
under  
R.S.O. 1970,  
cc. 118, 323

(3) The Regional Municipality of Sudbury for judicial  
purposes shall form part of the Provisional Judicial District  
of Sudbury. Regional  
Municipality  
part of  
Provisional  
Judicial  
District of  
Sudbury

7.—(1) The powers of the Regional Corporation shall be  
exercised by the Regional Council and, except where other-  
wise provided, the jurisdiction of the Regional Council is  
confined to the Regional Area. Regional  
Council to  
exercise  
corporate  
powers

(2) Except where otherwise provided, the powers of the  
Regional Council shall be exercised by by-law. Powers  
exercised by  
by-law

(3) A by-law passed by the Regional Council in the  
exercise of any of its powers and in good faith shall not  
be open to question, or be quashed, set aside or declared  
invalid either wholly or partly, on account of the unreason-  
ableness or supposed unreasonableness of its provisions or  
any of them. Not to be  
quashed as  
unreasonable

8.—(1) The Regional Council shall consist of twenty-one  
members composed of a chairman and, Composition  
of Regional  
Council

(a) in the year 1972, the mayor-elect of each area muni-  
cipality and thereafter the mayor of each area muni-  
cipality;

- (b) the council of the City of Sudbury so long as the total number of aldermen does not exceed nine;
- (c) the member of council elected by general vote in the area municipality of the Town of Neelon and Garson;
- (d) one member of the council of the area municipality of the Town of Rayside-Balfour elected by the council;
- (e) one member of the council of the area municipality of the Town of Valley East elected by the council;
- (f) one member of the council of the area municipality of the Town of Waters elected by the council.

Method of  
election of  
Regional  
Council in  
1972

(2) In the year 1972, the committee established by subsection 5 of section 3 for each area municipality that is required to elect a member or members to the Regional Council, shall meet on or before the 10th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974.

Biennial  
election of  
Regional  
Council

(3) In the year 1975 and in every second year thereafter the council of each area municipality, except the City of Sudbury, shall at its first meeting in each such year elect its members to the Regional Council.

Appointment  
of chair-  
man by  
Lieutenant  
Governor in  
Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 16th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of  
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where  
chairman  
member of  
area council

(3) Where a member of the council of an area municipality, becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.



(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

**10.**—(1) The first meeting of the Regional Council in the year 1972 shall be held on or after the 16th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration  
of office  
R.S.O. 1970,  
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When  
Regional  
Council  
deemed  
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,  
voting

**11.**—(1) Eleven members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman  
vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Place of  
meeting

**12.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Vacancies,  
chairman

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other  
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the Regional Council a resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. <sup>Resignation</sup>

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. <sup>Where head of council incapacitated</sup>

**14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine. <sup>Remuneration</sup>

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. <sup>Idem</sup>

**15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. <sup>Committees</sup>

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. <sup>Remuneration of committee chairman</sup>

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. <sup>Procedural by-laws</sup>

**17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. <sup>Head of Council</sup>

(2) Subject to section 139, the Regional Council may by by-law appoint a chief administrative officer, who, <sup>Chief administrative officer</sup>

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes ;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application  
of R.S.O. 1970,  
c. 284, s. 238

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting  
chairman

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application  
of R.S.O. 1970,  
c. 284

**19.**—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appointment  
of clerk

**20.**—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.



(3) When the office of clerk is vacant or the clerk is unable <sup>Acting clerk</sup> to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers <sup>Acting clerk, first meeting</sup> and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter and until the Regional Council appoints a clerk under this section.

**21.**—(1) Any person may, at all reasonable hours, inspect <sup>Minutes open to inspection</sup> any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter <sup>Index of by-laws affecting land</sup> the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the <sup>Copies certified by clerk to be receivable in evidence</sup> possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

**22.**—(1) The Regional Council shall appoint a treasurer who <sup>Appointment of treasurer</sup> shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy treasurer <sup>Deputy treasurer</sup> who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer <sup>Acting treasurer</sup> is unable to carry on his duties, through illness or otherwise,

the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and  
disbursement  
of money

**23.**—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of  
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash  
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When  
member  
may be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed.

Treasurer's  
liability  
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank  
accounts

**24.** Subject to subsection 3 of section 23, the treasurer shall,

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;



- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

**25.**—(1) The treasurer shall prepare and submit to the <sup>Monthly statement</sup> Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the treasurer is removed from office or absconds, <sup>Notice to sureties</sup> the Regional Council shall forthwith give notice to his sureties.

**26.**—(1) The Regional Council shall by by-law appoint one <sup>Appointment of auditors</sup> or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

(2) Where an auditor audits the accounts and transactions <sup>Cost of audit</sup> of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

(3) No person shall be appointed as an auditor of the <sup>Dis-qualification of auditors</sup> Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

(4) An auditor shall perform such duties as are prescribed <sup>Duties of auditors</sup> by the Ministry and also such duties as may be required by

the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application  
of R.S.O. 1970,  
c. 284

**27.**—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave  
credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed in any undertaking of any local municipality or local board thereof that is assumed by the Regional Corporation under this Act. <sup>Offer of employment</sup>

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than that which he was receiving on the 1st day of April, 1972. <sup>Entitlement to salary</sup>

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. <sup>Application of R.S.O. 1970, c. 324</sup>

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972. <sup>Offer of employment</sup>

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. <sup>Sick leave credits</sup>

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. <sup>Holidays</sup>

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. <sup>Termination of employment</sup>



Commence-  
ment of  
Part

**28.** This Part comes into force on the day this Act receives Royal Assent.

### PART III

#### REGIONAL WATERWORKS SYSTEM

Supply and  
distribution  
of water by  
Regional  
Corporation

**29.** (1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-  
alities, no  
power to  
supply and  
distribute  
water

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of  
property in  
Regional  
Corporation

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreements with the corporation for the use of such works in the regional waterworks system.

Payments of  
principal and  
interest to  
area municipi-  
alities

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,  
c. 265

Interest to  
be charged by  
area  
municipality

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as

the council of the area municipality determines, from such date until payment is made.

**30.** This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

## PART IV

### REGIONAL SEWAGE WORKS

**31.**—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of sewage in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Collection and disposal of sewage by Regional Corporation

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage. Area municipalities, no power to collect and dispose of sewage

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of property in Regional Corporation

(4) Where any of the works, specified in subsection 3, are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system. Agreements

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts or principal and Payment of principal and interest to area municipalities

R.S.O. 1970, c. 255 interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Interest to be charged by area municipality (6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Imposition of sewage rate (7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage and land drainage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Commencement of Part **32.** This Part comes into force on the day this Act receives Royal Assent.

## PART V

### PLANNING

Planning area **33.—**(1) On and after the 1st day of January, 1973, the Regional Area shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Sudbury Planning Area.

R.S.O. 1970, c. 349

Regional Council to be planning board (2) The Regional Council shall be the planning board of the Sudbury Planning Area.

Planning areas and subsidiary planning areas dissolved (3) No area municipality shall be deemed to be a municipality for the purposes of *The Planning Act* and all planning areas and subsidiary planning areas that are included in the Sudbury Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Official plan (4) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Advisory committees (5) The Regional Council may appoint such advisory planning committees as it considers necessary.



(6) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(7) All committees of adjustment heretofore constituted by the council of a local municipality in the Sudbury Planning Area are hereby dissolved on the 31st day of December, 1972, and the Regional Council shall forthwith after the 1st day of January, 1973, pass a by-law appointing a committee of adjustment under section 41 of *The Planning Act*. Committees of adjustment

## PART VI

### HEALTH AND WELFARE SERVICES

**34.**—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8 for the year 1972 and shall be paid to the Regional Corporation. Hospitalization grant 1973 under R.S.O. 1970, c. 293

**35.**—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers. Aid to hospitals

Payments of principal and interest to area municipalities

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973 and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Regional Area part of Sudbury and District Health Unit  
R.S.O. 1970, c. 377

**36.** On and after the 1st day of January, 1973, the Regional Area shall continue to be part of the health unit established under *The Public Health Act* known as the Sudbury and District Health Unit.

Representation on board of health

**37.** The representation of the Regional Area on the board of health of the Sudbury and District Health Unit shall comprise seven members, who are also members of the Regional Council, appointed by the Regional Council.

Regional Corporation deemed municipality under  
R.S.O. 1970, c. 132

**38.—(1)** The Regional Corporation shall be deemed to be a municipality for the purposes of *The District Welfare Administration Boards Act* and as such shall be a member municipality of the District of Sudbury Welfare Administration Board.

Regional Corporation deemed town under  
R.S.O. 1970, cc. 21, 270, 422, 491, 104, 192, 203

(2) No area municipality shall be deemed to be a municipality for the purposes of the following Acts and the Regional Corporation shall be deemed to be a town for such Acts;

1. *The Anatomy Act*;
2. *The Mental Hospitals Act*;
3. *The Sanatoria for Consumptives Act*;
4. *The War Veterans Burial Act*;
5. *The Day Nurseries Act*;
6. *The General Welfare Assistance Act*;
7. *The Homemakers and Nurses Services Act*.

Membership on District Welfare Administration Board  
R.S.O. 1970, c. 132

(3) Notwithstanding subsection 4 of section 3 of *The District Welfare Administration Boards Act*, a minimum of two-thirds

of the membership of the District Welfare Administration Board shall be members of the Regional Council, appointed by the Regional Council.

**39.**—(1) The Regional Corporation shall be deemed to be a town for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act. Liability respecting homes for the aged R.S.O. 1970, c. 206

(2) The home for the aged known as Pioneer Manor in the District of Sudbury and all real and personal property used for the purposes of such home vest in the Regional Corporation on the 1st day of January, 1973, without compensation, except as provided in subsection 4. Sudbury home for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date; all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility of Regional Corporation

(4) The Regional Corporation may enter into such agreements as it deems advisable with any municipality outside the Regional Area in respect of contributions made by such municipality to the construction and operation of Pioneer Manor and also in respect of the admission and maintenance of residents of such municipality. Agreements

(5) If the Regional Corporation or any municipality cannot reach agreement in respect of the matters provided for in subsection 4, either party may submit the dispute to the Municipal Board whose decision shall be final. Settling disputes

**40.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a city for the purposes of such Act. Regional Corporation deemed city under R.S.O. 1970, c. 64

**41.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

**42.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area Liability under order made under R.S.C. 1970, c. J-3

municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sum of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

**Adjustments**     **43.**—(1) In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

**Information**     (2) Every area municipality and every officer or employee thereof, shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

**Grants to approved corporations under R.S.O. 1970, c. 204**     **44.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

## PART VII

### POLICE

**Interpretation**     **45.** In this Part, "Sudbury Police Board" means the Sudbury Regional Board of Commissioners of Police.

**Sudbury Regional Board established R.S.O. 1970, c. 351**     **46.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Sudbury Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the district court of the Provisional Judicial District of Sudbury designated by the Lieutenant-Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

**Quorum**     (2) Three members of the Sudbury Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

**Remuneration**     (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum



prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

47.—(1) On and after the 1st day of January, 1973,

Regional  
Corporation  
deemed city  
under  
R.S.O. 1970,  
c. 351

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and

(c) The Sudbury Police Board and the members of the Sudbury Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws<sup>Fines</sup> of any area municipality, shall, where prosecuted by the Sudbury Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

48.—(1) Every person who is a member of a police force of<sup>Area police force</sup> or for a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Sudbury Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a<sup>Sudbury Regional Police Force</sup> local municipality on the 31st day of December, 1972 and becomes a member of the Sudbury Regional Police Force on the 1st day of January, 1973, is subject to the government of the Sudbury Police Board to the same extent as if appointed by the Sudbury Police Board.

(3) After the 1st day of November, 1972, the members of<sup>Joint bargaining committee</sup> the police forces of all local municipalities shall appoint a joint bargaining committee to represent all police forces in<sup>R.S.O. 1970, c. 351</sup>

R.S.O. 1970,  
c. 351 the local municipalities to bargain with the Sudbury Police Board in the manner and for the purposes provided in *The Police Act*, and the Sudbury Police Board shall be the sole negotiating body to bargain with such committee.

Time of meeting (4) The first meeting of the bargaining committee and the Sudbury Police Board shall be held not later than the 30th day of November, 1972.

Terms of employment (5) Every person who becomes a member of the Sudbury Regional Police Force under subsection 2 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Sudbury Police Board and such member shall have such uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Sudbury Regional Police Force the number of years of service that he had in the police force of or for the local municipality of which he was a member of on the 31st day of December, 1972;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Sudbury Police Board as he had in the plan of the local municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a detachment in the Regional Area more than twenty miles distant from his former detachment headquarters, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of April, 1972;

Application of R.S.O. 1970,  
c. 284, s. 239 (6) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Sudbury Police Board.

Assumption of buildings **49.**—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Sudbury Police Board any such land or building that the Sudbury Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent



of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973 shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipality limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement, the Municipal

Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Sudbury Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Sudbury Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Sudbury Police Board, each area municipality; for the use of the Sudbury Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery, in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and

interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether, Settling  
of doubts

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

**50.** The Regional Corporation shall provide all real and Property  
to be  
provided personal property necessary for the purposes of the Sudbury Police Board.

**51.** This Part comes into force on the day this Act receives Commence-  
ment of Part Royal Assent.

## PART VIII

### REGIONAL ROAD SYSTEM

**52.** In this Part, Interpre-  
tation

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “maintenance” includes repair;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “road authority” means a body having jurisdiction and control of a highway.

By-law  
establishing  
regional  
road system  
by July 31,  
1973

**53.—(1)** The Regional Council shall pass a by-law establishing a regional road system and designating the roads to be included therein as regional roads, and such by-law shall be submitted to the Minister not later than the 31st day of July, 1973.

By-law  
effective  
Jan. 1, 1974

(2) Notwithstanding subsection 12, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1974.

Establish-  
ment of  
regional road  
system by  
Lieutenant  
Governor

(3) In the event that the Regional Council does not pass a by-law as required by subsection 1 before the 1st day of August, 1973, the Lieutenant Governor in Council may establish the regional road system by designating the roads to form part thereof and the regional road system shall be deemed to have been established on and after the 1st day of January, 1974, or on and after such later date as the Lieutenant Governor in Council may determine.

Adding or  
removing  
roads by  
by-law

(4) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Transfer of  
provincial  
highway to  
Regional  
Corporation

(5) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,  
c. 201

Vesting of  
roads in  
Regional  
Corporation

(6) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of  
roads from  
regional road  
system

(7) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads  
removed from  
regional road  
system

(8) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 63, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.



(9) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of  
land acquired  
for widening  
regional road

(10) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

(11) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidating  
by-laws

(12) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Approval of  
by-laws

(13) *The Regulations Act* does not apply to an order in council made under this section,

Application  
of R.S.O. 1970,  
c. 410

**54.** The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of  
construction  
and main-  
tenance

**55.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Furnishing of  
information  
to Minister

**56.** Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution  
toward  
expenditures  
R.S.O. 1970,  
c. 201

**57.** The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Maintenance  
and repair

Powers over  
roads  
assumed

**58.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the regional road system.

Sidewalks  
excepted

**59.—(1)** The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,  
c. 284

Area municip-  
alities may  
construct  
sidewalks,  
etc.

**(2)** An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council, expressed by resolution.

How cost  
provided

**(3)** The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,  
c. 255

Area municip-  
alities to  
conform to  
requirements  
and be  
responsible  
for damages

**(4)** An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970,  
c. 201, s. 97,  
subs. 4, not to  
apply

**(5)** Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.



**60.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system. Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system. Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law, vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. Construction of sidewalk, etc. on area municipality road

R.S.O. 1970,  
c. 255

**61.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. Intersection of other roads by regional roads

**62.** The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 53 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads

R.S.O. 1970,  
c. 284

**63.** With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Regional Corporation

R.S.O. 1970,  
cc. 284, 202

**64.**—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pumps and advertising device near regional road

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

**Permits**

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

**By-laws of area municipalities regulating traffic**

**65.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1970,  
c. 202

**Signal-light devices**

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

**Contribution toward cost of signal-lights**

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

**Traffic control within 100 ft. of regional roads**

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

**Agreement for pedestrian walks**

**66.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

**67.**—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes  
as to  
maintenance,  
etc., of  
bridges and  
highways  
R.S.O. 1970,  
c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing  
by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of  
order

**68.** Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary  
bridges  
between  
area muni-  
cipalities

**69.** Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary  
bridges  
between  
Regional  
Area and  
adjoining  
municipality



Controlled-  
access  
roads

**70.**—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of  
application  
for approval  
for closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of  
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing  
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for  
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to  
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

**71.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon controlled access roads

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1. Notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road designated under subsection 1 of section 70 was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Regional  
liability  
where road  
forms part  
of system

**72.**—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,  
c. 255

Default

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum or such lower rate as the council of the area municipality determines from such date until payment is made.

Settling  
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up  
highways

**73.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment  
of regional  
roads  
engineer  
R.S.O. 1970,  
c. 366

**74.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

Application  
of R.S.O. 1970,  
c. 202

**75.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commence-  
ment of Part

**76.** This Part comes into force on the day this Act receives Royal Assent.



## PART IX

## REGIONAL WASTE DISPOSAL

**77.**—(1) In this Part, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse. Interpretation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

## PART X

## FINANCES

**78.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1970, c. 32

Area municipality deemed municipality under R.S.O. 1970, c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Regional Corporation deemed regional municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment of money not immediately required R.S.O. 1970, c. 284

**79.** Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

#### YEARLY ESTIMATES AND LEVY

Yearly estimates

**80.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Application of R.S.O. 1970, cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area municipalities

**81.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. <sup>Apportionment</sup>

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. <sup>Idem</sup>

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. <sup>Equalized assessment</sup>

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. <sup>When subs. 4 ceases to apply</sup>

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. <sup>Copy to Regional Corporation and area municipality</sup>

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue. <sup>Appeal</sup>

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting. <sup>Idem</sup>

Amendment  
of by-law  
where  
necessary  
following  
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not to  
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970,  
c. 32

Assessment  
to include  
valuations on  
properties for  
which pay-  
ments in lieu  
of taxes  
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes that include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*.

R.S.O. 1970,  
c. 284,  
1971, c. 78

Valuation of  
properties

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize



and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations.

(13) One by-law or several by-laws for making the levies <sup>Levy by-laws</sup> may be passed as the Regional Council may consider expedient.

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Regional levy* Assessment Act, in each area municipality the regional levy <sup>R.S.O. 1970, c. 32</sup> shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under <sup>Payment</sup> the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(16) If an area municipality fails to make any payment as <sup>Default</sup> provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

(17) Notwithstanding any other provisions in this section, <sup>Adjustments of 1973 regional levy</sup> the Regional Council shall adjust its 1973 levy against area municipalities to make allowance for payments out of revenue which were made by local municipalities for the construction, erection and equipping of public hospitals in the four years prior to the 1st day of January, 1973.

**82.**—(1) The Ministry of Revenue shall revise, equalize <sup>Equalization of assessment of merged areas</sup> and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the <sup>Notice</sup> revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal* <sup>Apportionment among merged areas</sup> *Grants Act*, the net regional levy and the sums adopted in <sup>R.S.O. 1970, cc. 405, 284, 32</sup> accordance with section 307 of *The Municipal Act* for all

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-  
tion of  
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment  
of 1973  
tax rate

(5) An area municipality which in 1973 receives the benefit of an allowance under subsection 17 of section 81, shall adjust its tax rate in 1973 in such a manner that the benefit of the allowance accrues to the merged area that supported the payment out of revenue referred to in the said subsection.

When  
provisions  
cease to  
apply

(6) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 81.

Levy by  
Regional  
Council  
before  
estimates  
adopted

**83.**—(1) Notwithstanding section 81, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 15 and 16 of section 81 apply to such a levy.

Idem

(2) Notwithstanding section 81, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 81 apply to such a levy.

Levy under  
section 81 to  
be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

Levy by  
area muni-  
cipality before  
estimates  
adopted

(4) Notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, the council of an area municipality may in any year by by-law passed before



the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Business  
assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 82.

Levy under  
section 82 to  
be reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application  
of R.S.O. 1970,  
c. 284, s. 303,  
subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 81.

R.S.O. 1970,  
c. 284, s. 303  
not to apply

**84.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under  
R.S.O. 1970,  
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school

Rates for  
public school  
purposes on  
commercial  
assessment  
R.S.O. 1970,  
c. 424

purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for  
public school  
purposes on  
residential  
assessment  
R.S.O. 1970,  
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for  
secondary  
school  
purposes on  
commercial  
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for  
secondary  
school  
purposes on  
residential  
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations  
under  
R.S.O. 1970,  
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application  
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 81.

Transitional  
adjustments

**85.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any

specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

**86.**—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1973 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

#### ADJUSTMENTS

**87.**—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*. Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973. Surplus or deficit at Dec. 31, 1972 to be applied to supporting assessment

**88.**—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Balfour, the Township of Dowling and the Township of Neelon and Garson. Arbitration

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular Idem

assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional  
determina-  
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-  
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,  
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents  
and records  
of divided  
municipi-  
palities

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Period of  
adjustment

(8) Notwithstanding the provisions of section 87 and this section, the Minister may by order prescribe the period over which any adjustments made thereunder are to be made.

#### RESERVE FUNDS

Reserve funds  
of municipi-  
palities

**89.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the



Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, <sup>Idem</sup> other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

(3) Notwithstanding subsection 1, reserve funds established <sup>Idem</sup> by local municipalities for the purpose of providing aid for the construction, erection and equipping of public hospitals, shall be deemed to be part of surplus, and disposed of in accordance with section 87.

**90.**—(1) The Regional Council may in each year, if <sup>Reserve funds, establishment</sup> authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment <sup>Investments and income</sup> of such moneys form part of the reserve fund. <sup>R.S.O. 1970, c. 470</sup>

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established <sup>Expenditure of reserve fund moneys</sup> without the approval of the Ministry.

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. <sup>Auditor to report on reserve funds</sup>

#### TEMPORARY LOANS

**91.**—(1) The Regional Council may by by-law, either before <sup>Current borrowings</sup> or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by

law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for excess borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.



(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties R.S.O. 1970, c. 118

#### DEBT

**92.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt, R.S.O. 1970, c. 323

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Limitation

Uncompleted  
works

(4) When an area municipality, prior to the 31st day of December, 1972,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc., trustee  
investments  
R.S.O. 1970,  
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1970,  
c. 323

**93.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing  
pending issue  
and sale of  
debentures

**94.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing <sup>Idem</sup> of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any <sup>Interest on proceeds transferred</sup> proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section <sup>Application of proceeds of loan</sup> shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture <sup>Hypothecation not to prevent subsequent sale of debentures</sup> hypothecated does not prevent the subsequent sale thereof.

**95.**—(1) Subject to subsection 2, a money by-law for the <sup>Principal and interest payments</sup> issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking  
fund  
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When  
debentures  
to be  
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy  
against area  
municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by  
area municipi-  
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment  
debentures  
and  
debentures to  
refund  
existing  
debentures  
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality,



provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied. <sup>Levy</sup>

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. <sup>Levies  
a debt</sup>

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. <sup>By-law to  
change mode  
of issuing  
debentures</sup>

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, <sup>Debentures,  
when to be  
dated and  
issued</sup>

and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of  
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension  
of time  
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application  
after time  
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating  
debenture  
by-laws  
R.S.O. 1970,  
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption  
before  
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.



2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual  
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised yearly an amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal  
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated  
bank  
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking  
fund  
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate  
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the Chairman chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, Security before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970, c. 284

(28) Two members of the sinking fund committee are a Quorum quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and manage- Control of sinking fund assets ment of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all Withdrawals from bank accounts cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(31) The sinking fund committee shall invest any moneys on Investments deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

(32) The moneys in the consolidated bank accounts shall be Idem invested in one or more of the following forms,

(a) in securities in which a trustee may invest under *The* R.S.O. 1970, c. 470 *Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of securities with Treasurer of Ontario

Release of  
securities by  
Treasurer  
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking  
fund  
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited to  
sinking  
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking  
fund  
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure  
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where  
amount in  
sinking  
fund account  
more than  
sufficient to  
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the



estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. <sup>No diversion of sinking funds</sup>

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, <sup>Surplus</sup>

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the <sup>Deficit and surplus</sup>

Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of interest may be varied

**96.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest ;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies ;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto ;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures ; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 94 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

**97.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.



(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

When to  
take effect

**98.**—(1) Subject to section 97, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt  
paid certain  
by-laws  
cannot be  
repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application  
of payments

**99.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for  
neglect of  
officer to  
carry out  
by-law

**100.**—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Money  
by-laws may  
be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or

Application  
to quash  
registered  
by-law, when  
to be made  
R.S.O. 1970,  
cc. 323, 136, 255

action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when  
by-law to be  
valid and  
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing  
part of  
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of  
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 93, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with.

Failure to  
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,  
how sealed  
and executed

**101.—**(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture

or on the date the debenture bears or at the time the debenture was issued and delivered. Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. Sufficiency of signatures

**102.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. Debentures on which payment has been made for one year to be valid

**103.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect: Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the



.....  
 .....  
 of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements  
as to  
endorsing  
certificate of  
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by  
entry in  
Debenture  
Registry  
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replacement  
of lost  
debentures

**104.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of  
debentures

**105.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange. New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. Debentures surrendered for exchange to be cancelled

**106.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes. Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality. Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied, Surplus

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the Deficiency

debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of  
proceeds of  
sale of asset  
acquired  
from proceeds  
of sale of  
debentures

**107.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders  
for  
debentures

**108.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,  
how to be  
kept

**109.**—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.



(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated  
interest  
account

**110.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Application  
of surplus  
money

**111.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of  
members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Action by  
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Dis-  
qualification

**112.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

Refinancing  
of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

## ASSETS

Disposal  
of assets

**113.** In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued, at more than \$5,000.

Commence-  
ment of Part

**114.**—(1) This Part, except sections 88 and 113 comes into force on the 1st day of January, 1973.

Idem

(2) Sections 88 and 113 come into force on the day this Act receives Royal Assent.

## PART XI

## GENERAL

Application  
of R.S.O. 1970,  
c. 284

**115.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city  
under  
R.S.O. 1970,  
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,  
annexations  
and amalga-  
mations

(3) Sections 10 and 11 and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-  
portation  
systems,  
refuse  
disposal,  
entertain-  
ment  
expenses, etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation  
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 59, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
for  
R.S.O. 1970,  
c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

Deemed  
municipality  
for  
R.S.O. 1970,  
c. 250, s. 87

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality.

By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Vesting of  
transporta-  
tion system  
assets in  
Regional  
Corporation

**116.**—(1) The Regional Council may pass by-laws,

Emergency  
measures,  
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,  
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of  
Regional  
Council re  
emergency  
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area

municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,  
c. W-2;  
R.S.O. 1970,  
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
county for  
R.S.O. 1970,  
c. 145

Expenditures  
for diffusing  
information

**117.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to  
persons  
engaged in  
work  
advantageous  
to Regional  
Area

**118.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of  
damages  
to employees  
R.S.O. 1970,  
c. 505

**119.** Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Sudbury Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages



from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

**120.**—(1) Where the Regional Council passes a resolution requesting a judge of the district court within the Regional Area or a judge of the district court of a district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* <sup>Investigation by district judge of charges of malfeasance</sup> 1971, c. 49 and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. <sup>Fees payable to judge R.S.O. 1970, c. 228</sup>

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. <sup>Engaging counsel</sup>

(4) The judge may engage counsel and such other assistants <sup>Idem</sup> and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

**121.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. <sup>Commission of inquiry</sup>

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than <sup>When commission may issue</sup>

one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on  
highways, etc.

**122.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**123.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application  
of R.S.O. 1970,  
c. 23

**124.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional  
Corporation  
and area  
municipalities  
deemed not  
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-  
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Execution  
against  
Regional  
Corporation

**125.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.



2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Sudbury" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect Function of clerk, collectors and assessors

or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Conditional  
powers

**126.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with  
other Acts

**127.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal  
buildings

**128.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application  
of  
R.S.O. 1970,  
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Twp. Balfour  
deemed urban  
municipality  
under  
R.S.O. 1970,  
c. 291

**129.**—(1) For the purposes of *The Municipal Subsidies Adjustment Act*, the Township of Balfour shall be deemed to be an urban municipality and the Township of Rayside annexed thereto.

Town of  
Valley East  
deemed  
township  
under  
R.S.O. 1970,  
c. 201

(2) For the purposes of section 74 of *The Public Transportation and Highway Improvement Act*, the Town of Valley East shall be deemed to be a township until the 31st day of December, 1978.

Regional  
Fire  
Co-ordinator

**130.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

**131.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town or township municipality shall be considered to continue to form part of a town or township municipality.

Existing  
speed limits  
continued  
R.S.O. 1970,  
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of  
Regional  
Council  
and area  
councils  
R.S.O. 1970,  
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing  
speed limits  
continued

**132.**—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application  
of R.S.O. 1970,  
c. 354, s. 108

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution  
of electrical  
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of  
commission  
continue in  
office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973.

Commissions  
dissolved

Members of  
commission  
not  
disqualified  
as members  
of Council  
R.S.O. 1970,  
c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Recreation  
and parks  
management  
board  
R.S.O. 1970,  
cc. 120, 73

**133.**—(1) The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Public library  
boards  
R.S.O. 1970,  
c. 381

(2) Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Election,  
R.S.O. 1970,  
cc. 362, 368  
1972, c. 95

**134.** Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Sudbury Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Sudbury District Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1972,

- (a) the polling day for the members of The Sudbury Board of Education and of The Sudbury District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order, provide for nomination of candidates for The Sudbury Board of Education and for The Sudbury District Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.



**135.**—(1) Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972. s. 244 of R.S.O. 1970, c. 284, not to apply

(2) With the exception of the City of Sudbury, the area municipalities shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act*. Area municipalities deemed townships

**136.**—(1) Every statute labour board that has jurisdiction in the Regional Area is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such board had jurisdiction. Statute labour boards dissolved

(2) Where an established local roads area is entirely within the Regional Area such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such local roads area was established. Local roads boards dissolved

(3) Where part of an established local roads area is within the Regional Area such part is removed from the local roads area on the 1st day of January, 1973. Removal of part of local roads area

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the Regional Area which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality. Taxes and penalties

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads area was established. Credits of local roads boards R.S.O. 1970, c. 286

(6) Where a local roads area established under *The Local Roads Board Act* is annexed to or amalgamated with an urban municipality within the Regional Area, the local roads area shall be deemed to be a rural municipality, or part thereof, for the purposes of *The Municipal Subsidies Adjustment Act*. Local roads areas deemed rural municipalities under R.S.O. 1970, c. 291

Power of  
Sudbury  
council to  
pass by-laws  
R.S.O. 1970,  
c. 284

**137.** The council of The Corporation of the City of Sudbury may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Agreements  
re collection  
of tax  
arrear under  
R.S.O. 1970,  
c. 370

**138.** An area municipality may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the area municipality of arrears of land tax imposed under that Act in respect of property within such area municipality.

Appointment  
of chief  
administra-  
tive officer  
by  
Lieutenant  
Governor in  
Council

**139.** Notwithstanding subsection 2 of section 17, the Lieutenant Governor in Council shall, before the 16th day of October, 1972, appoint a chief administrative officer to hold office during the years 1972 to 1976 inclusive and until his successor is appointed by the Regional Council in accordance with subsection 2 of section 17, and the chief administrative officer appointed under this section shall have such powers and perform such duties as may be assigned to him by by-law of the Regional Council approved by the chairman together with such additional powers and duties as may be conferred or imposed on him by the chairman and shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Expenses of  
Regional  
Corporation  
during 1972

**140.** The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Power of  
Minister to  
fix new  
date for  
first  
elections

**141.** In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 2 of section 3 and make all other necessary amendments for the incorporation of The Regional Municipality of Sudbury and the matters consequent upon the holding of the election, including the date for the election of school boards in the Regional Area.

Commence-  
ment of Part

**142.—(1)** This Part and Parts V, VI and IX come into force on the day this Act receives Royal Assent.

Idem, s. 1

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

**143.** This Act may be cited as *The Regional Municipality of Sudbury Act, 1972*.



## FORM 1

(Section 10 (6) )

## OATH OF ALLEGIANCE

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

## FORM 2

(Section 10 (6) )

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Sudbury or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish  
The Regional Municipality of Sudbury

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*1st Reading*

June 12th, 1972

*2nd Reading*

June 22nd, 1972

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Reprinted as amended by the  
Committee of the Whole House)*

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Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to establish  
The Regional Municipality of Sudbury**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics  
and Intergovernmental Affairs

TORONTO

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BILL 164

1972

## An Act to establish The Regional Municipality of Sudbury

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

**1.** In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the City of Sudbury, the Town of Capreol, the Town of Dowling, the Town of Neelon and Garson, the Town of Rayside-Balfour, the Town of Valley East and the Town of Waters, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1972 a local municipality and any geographic township or part thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area" means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means the Regional Municipality of Sudbury;
- (q) "Regional Council" means the council of the Regional Corporation;



- (r) "regional road" means a road forming part of the regional road system established under Part VIII;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution  
of area  
municipalities

- (a) The Corporation of the Town of Capreol together with the geographic township of Hutton and the geographic township of Norman are amalgamated as a town municipality bearing the name of The Corporation of the Town of Capreol and the portion of the geographic township of Parkin, described as follows, is annexed to such town:

COMMENCING at the southwest angle of the geographic township of Parkin;

THENCE northerly along the west boundary of the Township of Parkin to the northwest corner of Lot 12 in Concession I of the said Township;

THENCE easterly along the north limit of Lot 12 to the northeast angle thereof;

THENCE southerly along the east limit of Lot 12 in Concession I in the said Township of Parkin to the south boundary of the said Township;

THENCE westerly along the south boundary of the Township of Parkin to the point of commencement;

- (b) The Corporation of the Town of Levack and The Corporation of the Improvement District of Onaping are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dowling and the portions of the Township of Dowling and the geographic township of Levack described as follows are annexed to such town:

FIRSTLY, part of the Township of Dowling, commencing at a point in the northwest angle of the Township of Dowling the said point being the southwest angle of the Improvement District of Onaping;

THENCE easterly along the north boundary of the said Township of Dowling to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Dowling to the limit between the north half and the south half of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Concession III of the geographic township of Fairbank to the west boundary of the Township of Dowling;

THENCE northerly along the west boundary of the Township of Dowling to the point of commencement;

SECONDLY, part of the geographic township of Levack, commencing at the northwest angle of the geographic township of Levack;

THENCE easterly along the north boundary of the said township to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Levack to the north boundary of the Improvement District of Onaping;

THENCE westerly along the north boundary of the said Improvement District of Onaping to the east boundary of the Town of Levack;

THENCE following the boundaries between the geographic township of Levack and the Town of Levack to the boundary of the Improvement District of Onaping;

THENCE westerly along the northerly boundary of the said Improvement District to the west boundary of the said geographic township of Levack;

THENCE northerly along the west boundary of the said township to the point of commencement;

- (c) The Corporation of the Town of Coniston, The Corporation of The Township of Falconbridge and the geographic township of Maclellan are amalgamated as a town municipality bearing the name of The Corporation of the Town of Neelon and Garson and the portions of the Township of Neelon and Garson and the geographic township of Dryden, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE southerly, easterly and southerly along the boundaries of the Township of Neelon and Garson to the southerly boundary of the said Township;

THENCE easterly along the southerly boundary of the Township of Neelon and Garson to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the northeast angle thereof;

THENCE westerly along the northerly boundary of the Township of Neelon and Garson to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Coniston;

SECONDLY, part of the geographic township of Dryden, commencing at a point in the easterly boundary of the Township of Dryden where it is intersected by the limit between the north half and the south half of Lot 1 in Concession 1 of the said Township of Dryden;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8 and part of Lot 9 in Concession I of the Township of Dryden to the westerly limit of Secondary Highway Number 537;

THENCE northerly along the westerly limit of the said Secondary Highway to the south limit of Lot 9 in Concession II of the said Township of Dryden;

THENCE westerly along the south limit of part of Lot 9 and the south limits of lots 10, 11 and 12 in Concession II of the Township of Dryden to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Dryden to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Dryden to the northeast angle of the said Township;

THENCE southerly along the east boundary of the said Township of Dryden to the point of commencement;

- (d) The portions of the Township of Balfour and the geographic township of Snider, described as follows, are annexed to The Corporation of the Township of Rayside to establish a town municipality bearing the name of The Corporation of the Town of Rayside-Balfour:

FIRSTLY, part of the Township of Balfour, commencing at the northwest angle of the Township of Balfour;

THENCE easterly along the north boundary of the Township of Balfour being along the north boundary of the geographic township of Morgan to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Balfour to the southeast corner of Lot 1 in Concession IV in the geographic township of Creighton;

THENCE westerly along the south limit of lots 1 to 12, both inclusive, in Concession IV of the said Township of Creighton to the west boundary of the geographic township of Creighton, being also the west boundary of the Township of Balfour;

THENCE northerly along the west boundaries of the said Township of Balfour to the point of commencement;

SECONDLY, part of the geographic township of Snider, commencing at the northeast corner of Lot 1, in Concession IV of the said Township of Snider;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said Township of Snider to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Snider to the northwest corner of broken Lot 10 in Concession V of the said Township;

THENCE easterly in a straight line along the north limit of Concession V of the geographic township of Snider being along the south boundary of the Township of Rayside to the east boundary of the said geographic township;

THENCE southerly along the east boundary of the Township of Snider to the point of commencement;

- (e) The Corporation of the City of Sudbury and The Corporation of the Town of Copper Cliff are amalgamated as a city municipality bearing the name of The Corporation of the City of Sudbury and the portions of the geographic townships of Broder, Dill, Eden and Tilton, described as follows, are annexed to such city:

FIRSTLY, part of the geographic township of Broder, commencing at the southwest angle of the Township of Broder;

THENCE northerly along the west boundary of the Township of Broder to the northwest angle thereof;

THENCE easterly along the north boundary of the said Township to an angle of the City of Sudbury;

THENCE following the boundaries between the geographic township of Broder and the City of Sudbury to the north boundary of the said township;

THENCE easterly along the north boundary of the Township of Broder to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township to the southeast angle thereof;

THENCE westerly along the southern boundary of the said Township of Broder to the point of commencement;



SECONDLY, part of the geographic township of Dill, commencing at the southwest angle of the Township of Dill;

THENCE easterly along the south boundary of the Township of Dill to the southeast angle of Lot 7 in Concession I of the said Township;

THENCE northerly along the line between lots 6 and 7 in concessions I to VI, both inclusive, to the north boundary of the said Township of Dill;

THENCE westerly along the north boundary of the Township of Dill to the northwest angle thereof;

THENCE southerly along the west boundary of the said Township of Dill to the point of commencement;

THIRDLY, part of the geographic township of Eden, commencing at a point in the east boundary of the Township of Eden where it is intersected by the south limit of Farm Location F L 54 of the said Township of Eden;

THENCE westerly along the south limit of the said Farm Location F L 54 to the southwest angle of the said Farm Location;

THENCE northerly along the west limit of the said Farm Location to the northwest angle thereof;

THENCE easterly along the north limit of the said Farm Location F L 54 to the east limit of the said Farm Location being the east boundary of the Township of Eden;

THENCE southerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the geographic township of Tilton, commencing at a point in the west boundary of the Township of Tilton where it is intersected by the south limit of Lot 12 in Concession VI of the said Township;

THENCE northerly along the west boundary of the said Township of Tilton to the northwest angle thereof;



THENCE easterly along the north boundary of the Township of Tilton to the east limit of Lot 10 in Concession VI of the said Township;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said Township of Tilton to the point of commencement;

- (f) The portions of the Township of Neelon and Garson and the geographic township of Lumsden, described as follows, are annexed to the Township of Valley East to establish a town municipality bearing the name of The Corporation of the Town of Valley East:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE northerly along the westerly boundary of the Township of Neelon and Garson to the northwest angle thereof;

THENCE easterly along the northerly boundary of the said Township to the point of commencement;

SECONDLY, part of the geographic township of Lumsden, commencing at the southwest angle of the geographic township of Lumsden;

THENCE north along the west boundary of the Township of Lumsden to the Vermilion River;

THENCE easterly along the Vermilion River, being along the boundary of the Township of Valley East, to the east boundary of the said Township of Lumsden;

THENCE southerly along the east boundary of the Township of Lumsden to the southeast angle of the said Township;

THENCE westerly along the south boundary of the geographic township of Lumsden to the point of commencement;

- (g) The Corporation of the Town of Lively, The Corporation of the United Townships of Drury, Denison and Graham and The Corporation of the Township of Waters, together with the geographic townships of Dieppe, Lorne and Louise, are amalgamated as a town municipality bearing the name of The Corporation of the Town of Waters, and the portions of the Township of Balfour, the Township of Dowling and the geographic townships of Fairbank, Hyman, Snider and Trill, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Balfour, commencing at the southeast angle of the Township of Balfour, being also the southeast angle of the geographic township of Creighton;

THENCE northerly along the east boundary of the Township of Balfour to the northeast corner of Lot 1 in Concession III of the geographic township of Creighton;

THENCE westerly along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township of Creighton to the west boundary of the Township of Balfour;

THENCE southerly along the west boundary of the Township of Balfour to the southwest angle thereof;

THENCE easterly along the southern boundary of the Township of Balfour, being along the southern boundary of the said geographic township of Creighton to the point of commencement;

SECONDLY, part of the Township of Dowling, commencing at the southeast angle of the said Township of Dowling, being at the southeast angle of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE northerly along the east boundary of the said Township of Fairbank to the limit between the north half and the south half of Lot 1 in Concession III of the said Township;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in the said Concession III to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the geographic township of Fairbank, being along the west boundary of the Township of Dowling to the southwest angle of the said Township of Dowling;

THENCE easterly along the south boundary of the Township of Dowling to the point of commencement;

THIRDLY, part of the geographic township of Fairbank, commencing at the southeast angle of the said Township of Fairbank;

THENCE northerly along the east boundary of the Township of Fairbank to the northeast corner of Lot 1 in Concession II of the said Township;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession II of the Township of Fairbank being along the south boundary of the Township of Dowling to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the Township of Fairbank to the southwest angle thereof;

THENCE easterly along the southern boundary of the said Township of Fairbank to the point of commencement;

FOURTHLY, part of the geographic township of Hyman, commencing at the southeast angle of the said Township of Hyman;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession II of the said Township of Hyman;

THENCE westerly along the north limit of lots 1, 2 and 3 respectively, in Concession II to the northwest corner of Lot 3 in Concession II of the said Township of Hyman;

THENCE southerly following along the west limits of Lot 3 in concessions II and I to the southern boundary of the Township of Hyman;

THENCE easterly along the south boundary of the said Township of Hyman to the point of commencement;

FIFTHLY, part of the geographic township of Snider, commencing at the southwest angle of the said Township of Snider;

THENCE easterly along the south boundary of the said Township of Snider to the west boundary of the Town of Copper Cliff;

THENCE following the boundaries between the said Township of Snider and the Town of Copper Cliff to the east boundary of the said Township of Snider;

THENCE northerly along the east boundary of the geographic township of Snider to the northeast corner of Lot 1 in Concession IV of the said Township;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said geographic township of Snider to the west boundary of the said Township;

THENCE southerly along the west boundary of the said Township of Snider to the point of commencement;

SIXTHLY, part of the geographic township of Trill, commencing at the southeast angle of the said Township of Trill;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession III of the said Township of Trill;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township to the west boundary of the Township of Trill;

THENCE southerly along the boundary between the geographic townships of Trill and Totten to the southwest angle of the Township of Trill;

THENCE easterly along the south boundary of the said Township of Trill to the point of commencement.

Amalgamations and annexations deemed by Municipal Board orders R.S.O. 1970, cc. 323, 284

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any

local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order, <sup>Referendum re names of area municipalities</sup>

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

**3.**—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: <sup>Composition of council</sup>

- 1. The City of Sudbury—Nine aldermen elected by wards.
- 2. The Town of Capreol—Six councillors elected by wards.
- 3. The Town of Dowling—Six councillors one of whom shall be elected by general vote and five elected by wards.
- 4. The Town of Neelon and Garson—Six councillors, one of whom shall be elected by general vote and five elected by wards.
- 5. The Town of Rayside-Balfour—Eight councillors elected by general vote.



6. The Town of Valley East—Six councillors elected by general vote.

7. The Town of Waters—Six councillors elected by wards.

Election and  
term of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 2nd day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. 95

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Application

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization  
committee  
in 1972

(5) The members of the council of each area municipality elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of  
first elections

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area muni-



palities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

- (7) No area municipality shall have a board of control: No board of control

4. In every area municipality in the year 1974 and there- Subsequent  
after, elections for the members of council and for any local elections  
board, any members of which are to be elected by ballot by the  
electors, shall be held in accordance with *The Municipal* 1972, c.95  
*Elections Act, 1972.*

5. This Part comes into force on the day this Act receives Commence-  
Royal Assent. ment of Part

## PART II

### INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 16th day of October, 1972, the inhabitants Regional  
of the Regional Area are hereby constituted a body corporate Corporation  
under the name of "The Regional Municipality of Sudbury". constituted

(2) The Regional Corporation shall be deemed to be a Deemed  
municipality for the purposes of *The Municipal Affairs Act* municipality  
and *The Ontario Municipal Board Act*. under  
R.S.O. 1970,  
cc. 118, 323

(3) The Regional Municipality of Sudbury for judicial Regional  
purposes shall form part of the Provisional Judicial District Municipality  
of Sudbury. part of  
Provisional  
Judicial  
District of  
Sudbury

7.—(1) The powers of the Regional Corporation shall be Regional  
exercised by the Regional Council and, except where other- Council to  
wise provided, the jurisdiction of the Regional Council is exercise  
confined to the Regional Area. corporate  
powers

(2) Except where otherwise provided, the powers of the Powers  
Regional Council shall be exercised by by-law. exercised by  
by-law

(3) A by-law passed by the Regional Council in the Not to be  
exercise of any of its powers and in good faith shall not quashed as  
be open to question, or be quashed, set aside or declared unreasonable  
invalid either wholly or partly, on account of the unreason-  
ableness or supposed unreasonableness of its provisions or  
any of them.

8.—(1) The Regional Council shall consist of twenty-one Composition  
members composed of a chairman and, of Regional  
Council

- (a) in the year 1972, the mayor-elect of each area munici-  
pality and thereafter the mayor of each area munici-  
pality;

- (b) the council of the City of Sudbury so long as the total number of aldermen does not exceed nine;
- (c) the member of council elected by general vote in the area municipality of the Town of Neelon and Garson;
- (d) one member of the council of the area municipality of the Town of Rayside-Balfour elected by the council;
- (e) one member of the council of the area municipality of the Town of Valley East elected by the council;
- (f) one member of the council of the area municipality of the Town of Waters elected by the council.

Method of  
election of  
Regional  
Council in  
1972

(2) In the year 1972, the committee established by subsection 5 of section 3 for each area municipality that is required to elect a member or members to the Regional Council, shall meet on or before the 10th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974.

Biennial  
election of  
Regional  
Council

(3) In the year 1975 and in every second year thereafter the council of each area municipality, except the City of Sudbury, shall at its first meeting in each such year elect its members to the Regional Council.

Appointment  
of chair-  
man by  
Lieutenant  
Governor in  
Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 16th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of  
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where  
chairman  
member of  
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

**10.**—(1) The first meeting of the Regional Council in the year 1972 shall be held on or after the 16th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration  
of office  
R.S.O. 1970,  
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When  
Regional  
Council  
deemed  
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,  
voting

**11.**—(1) Eleven members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman  
vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Place of  
meeting

**12.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Vacancies,  
chairman

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other  
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of



the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the Regional Council a resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. <sup>Resignation</sup>

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. <sup>Where head of council incapacitated</sup>

**14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine. <sup>Remuneration</sup>

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. <sup>Idem</sup>

**15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. <sup>Committees</sup>

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. <sup>Remuneration of committee chairman</sup>

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. <sup>Procedural by-laws</sup>

**17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. <sup>Head of Council</sup>

(2) Subject to section 139, the Regional Council may by by-law appoint a chief administrative officer, who, <sup>Chief administrative officer</sup>

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application  
of R.S.O. 1970,  
c. 284, s. 238

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting  
chairman

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application  
of R.S.O. 1970,  
c. 284

**19.—**(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appointment  
of clerk

**20.—**(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.



(3) When the office of clerk is vacant or the clerk is unable <sup>Acting clerk</sup> to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section 9 <sup>Acting clerk, first meeting</sup> shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter and until the Regional Council appoints a clerk under this section.

**21.**—(1) Any person may, at all reasonable hours, inspect <sup>Minutes open to inspection</sup> any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter <sup>Index of by-laws affecting land</sup> the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the <sup>Copies certified by clerk to be receivable in evidence</sup> possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

**22.**—(1) The Regional Council shall appoint a treasurer who <sup>Appointment of treasurer</sup> shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy treasurer <sup>Deputy treasurer</sup> who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer <sup>Acting treasurer</sup> is unable to carry on his duties, through illness or otherwise,

the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application  
of R.S.O. 1970,  
c. 284

**27.**—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave  
credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed in any undertaking of any local municipality or local board thereof that is assumed by the Regional Corporation under this Act. <sup>Offer of employment</sup>

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than that which he was receiving on the 1st day of April, 1972. <sup>Entitlement to salary</sup>

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. <sup>Application of R.S.O. 1970, c. 324</sup>

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972. <sup>Offer of employment</sup>

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. <sup>Sick leave credits</sup>

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. <sup>Holidays</sup>

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. <sup>Termination of employment</sup>

Commence-  
ment of  
Part

**28.** This Part comes into force on the day this Act receives Royal Assent.

### PART III

#### REGIONAL WATERWORKS SYSTEM

Supply and  
distribution  
of water by  
Regional  
Corporation

**29.**—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-  
palities, no  
power to  
supply and  
distribute  
water

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of  
property in  
Regional  
Corporation

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreements with the corporation for the use of such works in the regional waterworks system.

Payments of  
principal and  
interest to  
area municipi-  
palities

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,  
c. 255

Interest to  
be charged by  
area  
municipality

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as



the council of the area municipality determines, from such date until payment is made.

**30.** This Part comes into force on the day this Act receives Commence-  
ment of Part Royal Assent.

## PART IV

### REGIONAL SEWAGE WORKS

**31.—(1)** On and after the 1st day of January, 1973, the Collection and disposal  
of sewage by  
Regional  
Corporation Regional Corporation shall have the sole responsibility for the collection and disposal of sewage in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

(2) On and after the 1st day of January, 1973, no area Area municipi-  
palities, no  
power to  
collect and  
dispose of  
sewage municipality shall have or exercise any powers under any Act for the collection and disposal of sewage.

(3) All sewage works, sewer systems and treatment works, Vesting of  
property in  
Regional  
Corporation including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) Where any of the works, specified in subsection 3, are Agreements owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.

(5) The Regional Corporation shall pay to the corporation Payment of  
principal and  
interest to  
area munic-  
ipalities of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts or principal and

R.S.O. 1970,  
c. 255

interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Interest to be  
charged by  
area  
municipality

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Imposition  
of sewage  
rate

(7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage and land drainage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Commence-  
ment of Part

**32.** This Part comes into force on the day this Act receives Royal Assent.

## PART V

### PLANNING

Planning  
area

**33.**—(1) On and after the 1st day of January, 1973, the Regional Area shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Sudbury Planning Area.

R.S.O. 1970,  
c. 349

Regional  
Council  
to be  
planning  
board

(2) The Regional Council shall be the planning board of the Sudbury Planning Area.

Planning  
areas  
and sub-  
sidiary  
planning  
areas  
dissolved

(3) No area municipality shall be deemed to be a municipality for the purposes of *The Planning Act* and all planning areas and subsidiary planning areas that are included in the Sudbury Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Official  
plan

(4) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Advisory  
committees

(5) The Regional Council may appoint such advisory planning committees as it considers necessary.



(6) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(7) All committees of adjustment heretofore constituted by the council of a local municipality in the Sudbury Planning Area are hereby dissolved on the 31st day of December, 1972, and the Regional Council shall forthwith after the 1st day of January, 1973, pass a by-law appointing a committee of adjustment under section 41 of *The Planning Act*. Committees of adjustment

## PART VI

### HEALTH AND WELFARE SERVICES

**34.**—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8 for the year 1972 and shall be paid to the Regional Corporation. Hospitalization grant 1973 under R.S.O. 1970, c. 293

**35.**—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers. Aid to hospitals

Payments of principal and interest to area municipalities

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973 and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Regional Area part of Sudbury and District Health Unit  
R.S.O. 1970, c. 377

**36.** On and after the 1st day of January, 1973, the Regional Area shall continue to be part of the health unit established under *The Public Health Act* known as the Sudbury and District Health Unit.

Representation on board of health

**37.** The representation of the Regional Area on the board of health of the Sudbury and District Health Unit shall comprise seven members, who are also members of the Regional Council, appointed by the Regional Council.

Regional Corporation deemed municipality under  
R.S.O. 1970, c. 132

**38.—(1)** The Regional Corporation shall be deemed to be a municipality for the purposes of *The District Welfare Administration Boards Act* and as such shall be a member municipality of the District of Sudbury Welfare Administration Board.

Regional Corporation deemed town under  
R.S.O. 1970, cc. 21, 270, 422, 491, 104, 192, 203

(2) No area municipality shall be deemed to be a municipality for the purposes of the following Acts and the Regional Corporation shall be deemed to be a town for such Acts;

1. *The Anatomy Act*;
2. *The Mental Hospitals Act*;
3. *The Sanatoria for Consumptives Act*;
4. *The War Veterans Burial Act*;
5. *The Day Nurseries Act*;
6. *The General Welfare Assistance Act*;
7. *The Homemakers and Nurses Services Act*.

Membership on District Welfare Administration Board  
R.S.O. 1970, c. 132

(3) Notwithstanding subsection 4 of section 3 of *The District Welfare Administration Boards Act*, a minimum of two-thirds

of the membership of the District Welfare Administration Board shall be members of the Regional Council, appointed by the Regional Council.

**39.**—(1) The Regional Corporation shall be deemed to be a town for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act. Liability respecting homes for the aged R.S.O. 1970, c. 206

(2) The home for the aged known as Pioneer Manor in the District of Sudbury and all real and personal property used for the purposes of such home vest in the Regional Corporation on the 1st day of January, 1973, without compensation, except as provided in subsection 4. Sudbury home for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to any municipality before the due date; all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility of Regional Corporation

(4) The Regional Corporation may enter into such agreements as it deems advisable with any municipality outside the Regional Area in respect of contributions made by such municipality to the construction and operation of Pioneer Manor and also in respect of the admission and maintenance of residents of such municipality. Agreements

(5) If the Regional Corporation or any municipality cannot reach agreement in respect of the matters provided for in subsection 4, either party may submit the dispute to the Municipal Board whose decision shall be final. Settling disputes

**40.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a city for the purposes of such Act. Regional Corporation deemed city under R.S.O. 1970, c. 64

**41.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

**42.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area Liability under order made under R.S.C. 1970, c. J-3

municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sum of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

**Adjustments** **43.**—(1) In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

**Information** (2) Every area municipality and every officer or employee thereof, shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

**Grants to approved corporations under R.S.O. 1970, c. 204** **44.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

## PART VII

### POLICE

**Interpretation** **45.** In this Part, “Sudbury Police Board” means the Sudbury Regional Board of Commissioners of Police.

**Sudbury Regional Board established R.S.O. 1970, c. 351** **46.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Sudbury Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the district court of the Provisional Judicial District of Sudbury designated by the Lieutenant-Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

**Quorum** (2) Three members of the Sudbury Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

**Remuneration** (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum



prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

**47.**—(1) On and after the 1st day of January, 1973,

Regional  
Corporation  
deemed city  
under  
R.S.O. 1970,  
c. 351

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and

(c) The Sudbury Police Board and the members of the Sudbury Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws<sup>Fines</sup> of any area municipality, shall, where prosecuted by the Sudbury Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

**48.**—(1) Every person who is a member of a police force of<sup>Area police force</sup> or for a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Sudbury Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a<sup>Sudbury Regional Police Force</sup> local municipality on the 31st day of December, 1972 and becomes a member of the Sudbury Regional Police Force on the 1st day of January, 1973, is subject to the government of the Sudbury Police Board to the same extent as if appointed by the Sudbury Police Board.

(3) After the 1st day of November, 1972, the members of<sup>Joint bargaining committee</sup> the police forces of all local municipalities shall appoint a joint bargaining committee to represent all police forces in<sup>R.S.O. 1970, c. 351</sup>

R.S.O. 1970,  
c. 351 the local municipalities to bargain with the Sudbury Police Board in the manner and for the purposes provided in *The Police Act*, and the Sudbury Police Board shall be the sole negotiating body to bargain with such committee.

Time of  
meeting (4) The first meeting of the bargaining committee and the Sudbury Police Board shall be held not later than the 30th day of November, 1972.

Terms of  
employment (5) Every person who becomes a member of the Sudbury Regional Police Force under subsection 2 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Sudbury Police Board and such member shall have such uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Sudbury Regional Police Force the number of years of service that he had in the police force of or for the local municipality of which he was a member of on the 31st day of December, 1972;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Sudbury Police Board as he had in the plan of the local municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a detachment in the Regional Area more than twenty miles distant from his former detachment headquarters, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of April, 1972;

Application  
of R.S.O. 1970,  
c. 284, s. 239 (6) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Sudbury Police Board.

Assumption  
of buildings **49.**—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Sudbury Police Board any such land or building that the Sudbury Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent



of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973 shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement, the Municipal

Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Sudbury Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Sudbury Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Sudbury Police Board, each area municipality, for the use of the Sudbury Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery, in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and

interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling  
of doubts

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

**50.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the Sudbury Police Board.

Property  
to be  
provided

**51.** This Part comes into force on the day this Act receives Royal Assent.

Commence-  
ment of Part

## PART VIII

### REGIONAL ROAD SYSTEM

**52.** In this Part,

Interpre-  
tation

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “maintenance” includes repair;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “road authority” means a body having jurisdiction and control of a highway.

By-law  
establishing  
regional  
road system  
by July 31,  
1973

**53.**—(1) The Regional Council shall pass a by-law establishing a regional road system and designating the roads to be included therein as regional roads, and such by-law shall be submitted to the Minister not later than the 31st day of July, 1973.

By-law  
effective  
Jan. 1, 1974

(2) Notwithstanding subsection 12, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1974.

Establish-  
ment of  
regional road  
system by  
Lieutenant  
Governor

(3) In the event that the Regional Council does not pass a by-law as required by subsection 1 before the 1st day of August, 1973, the Lieutenant Governor in Council may establish the regional road system by designating the roads to form part thereof and the regional road system shall be deemed to have been established on and after the 1st day of January, 1974, or on and after such later date as the Lieutenant Governor in Council may determine.

Adding or  
removing  
roads by  
by-law

(4) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Transfer of  
provincial  
highway to  
Regional  
Corporation

(5) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,  
c. 201

Vesting of  
roads in  
Regional  
Corporation

(6) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of  
roads from  
regional road  
system

(7) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads  
removed from  
regional road  
system

(8) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 63, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.



(9) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system. Status of land acquired for widening regional road

(10) When land abutting on a regional road is dedicated for, Idem or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

(11) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws. Consolidating by-laws

(12) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council. Approval of by-laws

(13) *The Regulations Act* does not apply to an order in council made under this section. Application of R.S.O. 1970, c. 410

**54.** The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. Plan of construction and maintenance

**55.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. Furnishing of information to Minister

**56.** Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. Contribution toward expenditures R.S.O. 1970, c. 201

**57.** The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

Powers over  
roads  
assumed

**58.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the regional road system.

Sidewalks  
excepted

**59.**—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,  
c. 284

Area municipalities may  
construct  
sidewalks,  
etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council, expressed by resolution.

How cost  
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,  
c. 255

Area municipalities to  
conform to  
requirements  
and be  
responsible  
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970,  
c. 201, s. 97,  
subs. 4, not to  
apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.



**60.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law, vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Construction of sidewalk, etc. on area municipality road

R.S.O. 1970, c. 255

**61.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

Intersection of other roads by regional roads

**62.** The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 53 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

New roads

R.S.O. 1970, c. 284

**63.** With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 202

**64.**—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pumps and advertising device near regional road

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

## Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

## By-laws of area municipalities regulating traffic

**65.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1970,  
c. 202

## Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

## Contribution toward cost of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

## Traffic control within 100 ft. of regional roads

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

## Agreement for pedestrian walks

**66.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

**67.**—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways R.S.O. 1970, c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality. Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway. Hearing by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

**68.** Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities

**69.** Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

Controlled-access roads

**70.**—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing municipal roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of application for approval for closing road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.



(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

**71.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon controlled access roads

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1. Notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road designated under subsection 1 of section 70 was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Regional  
liability  
where road  
forms part  
of system

**72.**—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,  
c. 255

Default

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum or such lower rate as the council of the area municipality determines from such date until payment is made.

Settling  
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up  
highways

**73.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment  
of regional  
roads  
engineer  
R.S.O. 1970,  
c. 366

**74.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

Application  
of R.S.O. 1970,  
c. 202

**75.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commence-  
ment of Part

**76.** This Part comes into force on the day this Act receives Royal Assent.



## PART IX

## REGIONAL WASTE DISPOSAL

**77.**—(1) In this Part, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse. Interpretation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

## PART X

## FINANCES

**78.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1970, c. 32

Area municipality deemed municipality under R.S.O. 1970, c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Regional Corporation deemed regional municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment of money not immediately required R.S.O. 1970, c. 284

**79.** Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

#### YEARLY ESTIMATES AND LEVY

Yearly estimates

**80.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Application of R.S.O. 1970, cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area municipalities

**81.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct <sup>Apportionment</sup> what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under sub- <sup>Idem</sup> section 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize and <sup>Equalized assessment</sup> weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be deter- <sup>When subs. 4 ceases to apply</sup> mined by order of the Minister.

(6) Upon completion by the Ministry of Revenue of the <sup>Copy to Regional Corporation and area municipality</sup> revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

(7) If any area municipality is not satisfied with the assess- <sup>Appeal</sup> ment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

(8) Every notice of revision, equalization and weighting made <sup>Idem</sup> under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment  
of by-law  
where  
necessary  
following  
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not to  
apply

R.S.O. 1970,  
c. 32

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment  
to include  
valuations on  
properties for  
which pay-  
ments in lieu  
of taxes  
paid

R.S.O. 1970,  
c. 284,  
1971, c. 78

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes that include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*.

Valuation of  
properties

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize



and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations.

(13) One by-law or several by-laws for making the levies <sup>Levy by-laws</sup> may be passed as the Regional Council may consider expedient.

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Regional Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. <sup>R.S.O. 1970, c. 32</sup>

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. <sup>Payment</sup>

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. <sup>Default</sup>

(17) Notwithstanding any other provisions in this section, the Regional Council shall adjust its 1973 levy against area municipalities to make allowance for payments out of revenue which were made by local municipalities for the construction, erection and equipping of public hospitals in the four years prior to the 1st day of January, 1973. <sup>Adjustments of 1973 regional levy</sup>

**82.—**(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding. <sup>Equalization of assessment of merged areas</sup>

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment. <sup>Notice</sup>

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all <sup>Apportionment among merged areas R.S.O. 1970, cc. 405, 284, 32</sup>

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-  
tion of  
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment  
of 1973  
tax rate

(5) An area municipality which in 1973 receives the benefit of an allowance under subsection 17 of section 81, shall adjust its tax rate in 1973 in such a manner that the benefit of the allowance accrues to the merged area that supported the payment out of revenue referred to in the said subsection.

When  
provisions  
cease to  
apply

(6) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 81.

Levy by  
Regional  
Council  
before  
estimates  
adopted

**83.**—(1) Notwithstanding section 81, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 15 and 16 of section 81 apply to such a levy.

Idem

(2) Notwithstanding section 81, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 81 apply to such a levy.

Levy under  
section 81 to  
be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

Levy by  
area muni-  
cipality before  
estimates  
adopted

(4) Notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, the council of an area municipality may in any year by by-law passed before



the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters. Business assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 82. Levy under section 82 to be reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1970, c. 284, s. 303, subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 81. R.S.O. 1970, c. 284, s. 303 not to apply

**84.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under R.S.O. 1970, c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school Rates for public school purposes on commercial assessment R.S.O. 1970, c. 424

purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for  
public school  
purposes on  
residential  
assessment  
R.S.O. 1970,  
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for  
secondary  
school  
purposes on  
commercial  
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for  
secondary  
school  
purposes on  
residential  
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations  
under  
R.S.O. 1970,  
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application  
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 81.

Transitional  
adjustments

**85.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any

specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

**86.**—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1973  
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

#### ADJUSTMENTS

**87.**—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Surplus or deficit at Dec. 31, 1972 to be applied to supporting assessment

**88.**—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Balfour, the Township of Dowling and the Township of Neelon and Garson.

Arbitration

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular

Idem

assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional  
determina-  
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-  
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,  
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents  
and records  
of divided  
municipi-  
palities

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Period of  
adjustment

(8) Notwithstanding the provisions of section 87 and this section, the Minister may by order prescribe the period over which any adjustments made thereunder are to be made.

#### RESERVE FUNDS

Reserve funds  
of municipi-  
palities

**89.—**(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the



Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, <sup>Idem</sup> other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

(3) Notwithstanding subsection 1, reserve funds established <sup>Idem</sup> by local municipalities for the purpose of providing aid for the construction, erection and equipping of public hospitals, shall be deemed to be part of surplus, and disposed of in accordance with section 87.

**90.**—(1) The Regional Council may in each year, if <sup>Reserve funds, establishment</sup> authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment <sup>Investments and income</sup> of such moneys form part of the reserve fund. <sup>R.S.O. 1970, c. 470</sup>

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any <sup>Expenditure of reserve fund moneys</sup> purpose other than that for which the fund was established without the approval of the Ministry.

(4) The auditor in his annual report shall report on the <sup>Auditor to report on reserve funds</sup> activities and position of each reserve fund established under subsection 1.

#### TEMPORARY LOANS

**91.**—(1) The Regional Council may by by-law, either before <sup>Current borrowings</sup> or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by

law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for excess borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.



(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties R.S.O. 1970, c. 118

#### DEBT

**92.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt, R.S.O. 1970, c. 323

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Limitation

Uncompleted  
works

(4) When an area municipality, prior to the 31st day of December, 1972,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc., trustee  
investments  
R.S.O. 1970,  
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1970,  
c. 323

**93.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing  
pending issue  
and sale of  
debentures

**94.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing <sup>Idem</sup> of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any <sup>Interest on</sup> proceeds of an advance or loan transferred under subsection <sup>proceeds</sup> 2 at a rate sufficient to reimburse it for the cost of such <sup>transferred</sup> advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were <sup>Application</sup> authorized, but the lender shall not be bound to see to the <sup>of proceeds</sup> application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, <sup>of loan</sup> subject to section 106, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture <sup>Hypotheca-</sup> hypothecated does not prevent the subsequent sale thereof. <sup>tion not to</sup> <sup>prevent sub-</sup> <sup>sequent sale</sup> <sup>of debentures</sup>

**95.**—(1) Subject to subsection 2, a money by-law for the <sup>Principal</sup> issuing of debentures shall provide that the principal shall be <sup>and interest</sup> repaid in annual instalments with interest annually or semi- <sup>payments</sup> annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking  
fund  
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When  
debentures  
to be  
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy  
against area  
municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by  
area municipi-  
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment  
debentures  
and  
debentures to  
refund  
existing  
debentures  
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality,



provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by <sup>Levy</sup> the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. <sup>Levies a debt</sup>

(10) The Regional Council may by by-law authorize a change <sup>By-law to change mode of issuing debentures</sup> in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, <sup>Debentures, when to be dated and issued</sup>

and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

- |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of debentures                                        | (12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.                                                                                                                                                                                                                                    |
| Idem                                                      | (13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in sub-section 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year. |
| Extension of time for issue                               | (14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.                                 |
| Application after time expired                            | (15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.                                                                                                                                                                                                                                  |
| Effective date                                            | (16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.                                                                                                                                                                                                                                                                                     |
| Consolidation                                             | (17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.                                                                                                                                                                                             |
| Consolidating debenture by-laws<br>R.S.O. 1970,<br>c. 284 | (18) Section 290 of <i>The Municipal Act</i> applies <i>mutatis mutandis</i> to the Regional Corporation.                                                                                                                                                                                                                                                                                          |
| Redemption before maturity                                | (19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:                                                                                                                                                                                         |

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.



2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual  
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised yearly an amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal  
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated  
bank  
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking  
fund  
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate  
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the <sup>Chairman</sup> chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, <sup>Security</sup> before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970,  
c. 284

(28) Two members of the sinking fund committee are a <sup>Quorum</sup> quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated <sup>Control of sinking fund assets</sup> bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts <sup>Withdrawals from bank accounts</sup> shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(31) The sinking fund committee shall invest any moneys on <sup>Investments</sup> deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

(32) The moneys in the consolidated bank accounts shall be <sup>Idem</sup> invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The* <sup>R.S.O. 1970,  
c. 470</sup> *Trustee Act*;
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited <sup>Deposit of securities with Treasurer of Ontario</sup> with the Treasurer of Ontario.

Release of  
securities by  
Treasurer  
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking  
fund  
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited to  
sinking  
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking  
fund  
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure  
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where  
amount in  
sinking  
fund account  
more than  
sufficient to  
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the



estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. <sup>No diversion of sinking funds</sup>

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, <sup>Surplus</sup>

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the <sup>Deficit and surplus</sup>

Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of  
interest  
may be  
varied

**96.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest ;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies ;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto ;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures ; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-  
tion not a  
sale under  
this section

(2) For the purposes of this section, the hypothecation of debentures under section 94 shall not constitute a sale or other disposal thereof.

Consolidation  
of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special  
assessment  
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of  
by-law  
when part  
only of  
money to be  
raised

**97.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.



(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

**98.**—(1) Subject to section 97, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

**99.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

**100.**—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or

action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when  
by-law to be  
valid and  
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing  
part of  
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of  
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 93, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with.

Failure to  
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,  
how sealed  
and executed

**101.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture

or on the date the debenture bears or at the time the debenture was issued and delivered. Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. Sufficiency of signatures

**102.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. Debentures on which payment has been made for one year to be valid

**103.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect: Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the



.....  
 .....  
 of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements  
as to  
endorsing  
certificate of  
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by  
entry in  
Debenture  
Registry  
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replacement  
of lost  
debentures

**104.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of  
debentures

**105.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange. New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. Debentures surrendered for exchange to be cancelled

**106.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes. Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality. Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied, Surplus

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the Deficiency



debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of  
proceeds of  
sale of asset  
acquired  
from proceeds  
of sale of  
debentures

**107.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders  
for  
debentures

**108.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,  
how to be  
kept

**109.**—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,
 distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

**110.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

**111.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

**112.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

#### ASSETS

Disposal  
of assets

**113.** In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued, at more than \$5,000.

Commence-  
ment of Part

**114.**—(1) This Part, except sections 88 and 113 comes into force on the 1st day of January, 1973.

Idem

(2) Sections 88 and 113 come into force on the day this Act receives Royal Assent.

#### PART XI

##### GENERAL

Application  
of R.S.O. 1970,  
c. 284

**115.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city  
under  
R.S.O. 1970,  
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,  
annexations  
and amalga-  
mations

(3) Sections 10 and 11 and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-  
portation  
systems,  
refuse  
disposal,  
entertain-  
ment  
expenses, etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation  
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 59, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed municipality for R.S.O. 1970, c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

Deemed municipality for R.S.O. 1970, c. 250, s. 87

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality.

By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Vesting of transportation system assets in Regional Corporation

**116.**—(1) The Regional Council may pass by-laws,

Emergency measures, civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970, c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of Regional Council re emergency measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area



municipality or local board in their emergency functions;

(c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

(d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;

(e) for obtaining and distributing emergency materials, equipment and supplies; and

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,  
c. W-2;  
R.S.O. 1970,  
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
county for  
R.S.O. 1970,  
c. 145

Expenditures  
for diffusing  
information

**117.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to  
persons  
engaged in  
work  
advantageous  
to Regional  
Area

**118.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of  
damages  
to employees  
R.S.O. 1970,  
c. 505

**119.** Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Sudbury Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages



from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

**120.**—(1) Where the Regional Council passes a resolution requesting a judge of the district court within the Regional Area or a judge of the district court of a district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* <sup>Investigation by district judge of charges of malfeasance</sup> <sup>1971, c. 49</sup> and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. <sup>Fees payable to judge R.S.O. 1970, c. 226</sup>

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. <sup>Engaging counsel</sup>

(4) The judge may engage counsel and such other assistants <sup>Idem</sup> and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

**121.** (1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. <sup>Commission of inquiry</sup>

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than <sup>When commission may issue</sup>

one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on  
highways, etc.

**122.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**123.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application  
of R.S.O. 1970,  
c. 23

**124.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional  
Corporation  
and area  
municipalities  
deemed not  
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-  
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution  
against  
Regional  
Corporation

**125.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Sudbury" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect Function of clerk, collectors and assessors

or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Conditional  
powers

**126.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with  
other Acts

**127.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal  
buildings

**128.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application  
of  
R.S.O. 1970,  
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Twp. Balfour  
deemed urban  
municipality  
under  
R.S.O. 1970,  
c. 291

**129.**—(1) For the purposes of *The Municipal Subsidies Adjustment Act*, the Township of Balfour shall be deemed to be an urban municipality and the Township of Rayside annexed thereto.

Town of  
Valley East  
deemed  
township  
under  
R.S.O. 1970,  
c. 201

(2) For the purposes of section 74 of *The Public Transportation and Highway Improvement Act*, the Town of Valley East shall be deemed to be a township until the 31st day of December, 1978.

Regional  
Fire  
Co-ordinator

**130.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.



**131.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town or township municipality shall be considered to continue to form part of a town or township municipality.

Existing  
speed limits  
continued  
R.S.O. 1970,  
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of  
Regional  
Council  
and area  
councils  
R.S.O. 1970,  
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing  
speed limits  
continued

**132.**—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application  
of R.S.O. 1970,  
c. 354, s. 108

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution  
of electrical  
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of  
commission  
continue in  
office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973.

Commissions  
dissolved



Members of  
commission  
not  
disqualified  
as members  
of Council  
R.S.O. 1970,  
c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Recreation  
and parks  
management  
board  
R.S.O. 1970,  
cc. 120, 73

**133.**—(1) The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Public library  
boards  
R.S.O. 1970,  
c. 381

(2) Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Election,  
R.S.O. 1970,  
cc. 362, 368  
1972, c. 95

**134.** Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Sudbury Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Sudbury District Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, 1972, in the year 1972,

- (a) the polling day for the members of The Sudbury Board of Education and of The Sudbury District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order, provide for nomination of candidates for The Sudbury Board of Education and for The Sudbury District Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

**135.**—(1) Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972. s. 244 of R.S.O. 1970, c. 284, not to apply

(2) With the exception of the City of Sudbury, the area municipalities shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act*. Area municipalities deemed townships

**136.**—(1) Every statute labour board that has jurisdiction in the Regional Area is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such board had jurisdiction. Statute labour boards dissolved

(2) Where an established local roads area is entirely within the Regional Area such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such local roads area was established. Local roads boards dissolved

(3) Where part of an established local roads area is within the Regional Area such part is removed from the local roads area on the 1st day of January, 1973. Removal of part of local roads area

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the Regional Area which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality. Taxes and penalties

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads area was established. Credits of local roads boards R.S.O. 1970, c. 256

(6) Where a local roads area established under *The Local Roads Board Act* is annexed to or amalgamated with an urban municipality within the Regional Area, the local roads area shall be deemed to be a rural municipality, or part thereof, for the purposes of *The Municipal Subsidies Adjustment Act*. Local roads areas deemed rural municipalities under R.S.O. 1970, c. 291

Power of  
Sudbury  
council to  
pass by-laws  
R.S.O. 1970,  
c. 284

**137.** The council of The Corporation of the City of Sudbury may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Agreements  
re collection  
of tax  
arrears under  
R.S.O. 1970,  
c. 370

**138.** An area municipality may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the area municipality of arrears of land tax imposed under that Act in respect of property within such area municipality.

Appointment  
of chief  
administra-  
tive officer  
by  
Lieutenant  
Governor in  
Council

**139.** Notwithstanding subsection 2 of section 17, the Lieutenant Governor in Council shall, before the 16th day of October, 1972, appoint a chief administrative officer to hold office during the years 1972 to 1976 inclusive and until his successor is appointed by the Regional Council in accordance with subsection 2 of section 17, and the chief administrative officer appointed under this section shall have such powers and perform such duties as may be assigned to him by by-law of the Regional Council approved by the chairman together with such additional powers and duties as may be conferred or imposed on him by the chairman and shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Expenses of  
Regional  
Corporation  
during 1972

**140.** The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Power of  
Minister to  
fix new  
date for  
first  
elections

**141.** In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 2 of section 3 and make all other necessary amendments for the incorporation of The Regional Municipality of Sudbury and the matters consequent upon the holding of the election, including the date for the election of school boards in the Regional Area.

Commence-  
ment of Part

**142.**—(1) This Part and Parts V, VI and IX come into force on the day this Act receives Royal Assent.

Idem, s. 1

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

**143.** This Act may be cited as *The Regional Municipality of Sudbury Act, 1972*.

## FORM 1

(Section 10 (6))

## OATH OF ALLEGIANCE

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

## FORM 2

(Section 10 (6))

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Sudbury or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish  
The Regional Municipality of Sudbury

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*1st Reading*

June 12th, 1972

*2nd Reading*

June 22nd, 1972

*3rd Reading*

June 29th, 1972

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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